



C.M.A.No.2103 of 20__

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.M.A.No.2103 of 2022

Balasubramanian

.. Appellant

Vs.

1. T.Ilakkiya

2. Reliance General Insurance Company Limited,
No.6, Reliance House,
Haddows Road, Nungambakkam,
Chennai-600 006.

.. Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree dated 11.03.2021 and made in M.A.C.T.O.P.No.3030 of 2017 on the file of Motor Accident Claims Tribunal III Judge- Small Causes Court, Chennai.

For Appellant : Mr.S.R.Suga

For Respondents : R1 set exparte
Ms.C.Harini
for M/s.M.B.Gopalan Associates (R2)



J U D G M E N T

This Civil Miscellaneous Appeal has been filed for enhancement of compensation granted by the award dated 11.03.2021 made in M.A.C.T.O.P.No.3030 of 2017 on the file of the Motor Accident Claims Tribunal, III Judge- Small Causes Court, Chennai.

2.The appellant is the claimant in M.A.C.T.O.P.No.3030 of 2017 on the file of the Motor Accident Claims Tribunal, III Judge- Small Causes Court, Chennai. He filed the above said claim petition, claiming a sum of Rs.80,00,000/- as compensation on account of the injuries sustained by him in an accident that took place on 07.03.2017.

3.The Tribunal, considering the pleadings, oral and documentary evidence, held that the accident occurred due to rash and negligent driving by the driver of the car bearing Registration No.TN-11-S-2464, belonging to the first respondent herein and directed the 2nd respondent-Insurance Company to pay a sum of Rs.15,26,600/- as compensation to the appellant.

4.Not being satisfied with the amounts awarded by the Tribunal, the appellant has come out with the present appeal seeking enhancement of



compensation.

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5. The learned counsel appearing for the appellant contended that due to the aforesaid accident, the appellant sustained multiple injuries and fractures and hospitalized for 34 days, but the Claims Tribunal without considering the same, has awarded meager compensation. He further submitted that the claimant was a weaver at the time of accident and was earning a sum of Rs.25,000/- per month and in support of the same he marked Ex.P5- Certificate issued by the Weavers Cooperative Association before the Tribunal, but the Claims Tribunal without considering the same has fixed monthly income only at Rs.10,000/- which is very low. He further submitted that amount of compensation awarded towards other heads are also very low and hence prayed for enhancement of compensation.

6. Today when the matter was taken up for hearing, the learned counsel appearing for the 2nd respondent-Insurance Company has fairly agreed that the compensation awarded by the Tribunal requires modification by way of enhancement and he also circulated a calculation sheet as circulated by claimant, suggesting enhancement of compensation under various heads to the



following effect.

Heads of Compensation	Amount awarded by Tribunal (Rs.)	Amount suggested (Rs)
Monthly income	10,000	14,000
Future Prospects 10% addition	11,000	15,400
Annual Income	1,32,000	1,84,800
Multiplier-9	11,88,000	16,63,200
Disability-40%	4,75,200	6,65,280
Pain and Suffering	50,000	75,000
Extra Nourishment & Transportation	50,000	75,000
Medical Bills	8,86,783	8,86,783
Loss of Amenities	50,000	50,000
Damage to clothes	1,000	1,000
Attender Charges	13,600	25,000
Total	15,26,583	17,78,063

7. The learned counsel for the Appellant on going through the calculation sheet furnished to him which was circulated earlier by the appellant, without any modifications in the open Court has readily agreed and reported no objection to enhance the compensation as suggested by the 2nd Respondent-Insurance Company.

8. Recording the above, this Court is inclined to enhance the



compensation as proposed by the appellant and Insurance Company. Thus, the compensation awarded by the Tribunal is modified as follows:

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S. No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted
1.	Loss of Earnings due to disability	4,75,200/-	6,65,280/-	Enhanced
2.	Pain and Suffering	50,000/-	75,000/-	Enhanced
3.	Extra Nourishment & Transportation	50,000/-	75,000/-	Enhanced
4.	Medical Bills	8,86,783/-	8,86,783/-	Confirmed
5.	Loss of Amenities	50,000/-	50,000/-	Confirmed
6.	Damage to clothes	1,000/-	1,000/-	Confirmed
7.	Attender Charges	13,600/-	25,000/-	Enhanced
	Total	Rs.15,26,583/-	Rs.17,78,063	Enhanced by Rs.2,51,480/-

10. In the result, this Civil Miscellaneous Appeal is partly allowed and the compensation awarded by the Tribunal at Rs.15,26,583/- is hereby enhanced to Rs.2,51,480/- together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit. The 2nd respondent- Insurance Company is directed to deposit the award amount now determined by this Court, along with interest and costs, less the amount already deposited, if any, within a period of *six weeks* from the date of receipt of a



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copy of this judgment to the credit of M.A.C.T.O.P.No.3030 of 2017 on the file of the Motor Accident Claims Tribunal, III Judge, Small Causes Court, Chennai. On such deposit being made, the Tribunal is directed to transfer the Award amount directly to the Bank account of the Appellant/Claimant through RTGS, within a period of **three weeks** thereafter. The claimant is directed to pay necessary Court fee, if any on the enhanced compensation. However, it is made clear that if there is any delay in filing the C.M.A. and in case of any earlier order by this Court, depriving interest for the period of delay in question, the interest portion for that period should be excluded for the purpose of granting interest. No costs.

19.01.2024

arr

Index : Yes / No

Internet : Yes / No



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To

1. Reliance General Insurance Company Limited,
No.6, Reliance House,
Haddows Road, Nungambakkam,
Chennai-600 006.
2. Motor Accident Claims Tribunal,
III Judge, Small Causes Court,
Chennai.
3. The Section Officer,
VR Section,
High Court,
Madras.



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KRISHNAN RAMASAMY, J.
arr

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