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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on 30.01.2024	Pronounced on 06.03.2024
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CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

C.M.A.No.2841 of 2021

Mani @ Manikandan

...Appellant

Vs.

1. Mahendran
2. The New India Assurance Company Limited,
No.77, 1st Avenue Indra Nagar,
Adyar,
Chennai - 600 020.

...Respondents

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree dated 09.12.2020 made in M.A.C.T.O.P.No.1462 of 2017 on the file of the Motor Accident Claims Tribunal [Special Sub Court No.1, Motor Accident Claims Petitions] Small Causes Court, Chennai.

For Appellant : Mrs.M.Malar

For R1 : Notice dispensed with

For R2 : Ms.A.Solomi



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J U D G M E N T

Seeking enhancement of the compensation awarded in M.A.C.T.O.P.No.1462 of 2017, the claimant/petitioner has filed this Civil Miscellaneous Appeal.

2. The factum of the accident, manner of the accident, rash and negligent driving on the part of the driver of the 1st respondent's vehicle, insured with the 2nd respondent are not under challenge in this Appeal. Accordingly, the finding rendered by the trial Court that the accident taken place due to the rash and negligent driving of the driver of the 1st Respondent's vehicle, insured with the 2nd Respondent are hereby confirmed.

3. The claim petitioner filed M.C.O.P. seeking compensation for the accidental injury suffered by him in the road transport accident on 11.02.2017. The claim petitioner examined himself as P.W.1, in which he has deposed about the injuries sustained by him in detail. The AR copy, Outpatient Record and Prescription copy issued by Sri Muthukumaran Medical College Hospital, Chennai, X-Ray and Treatment Bills have been marked as Ex.P2 to P5 & P9. The claim petitioner was treated as outpatient in Sri Muthukumaran Medical



College Hospital, Chennai and then, he underwent Puttur treatment.

Ex.C1 - Disability Certificate issued by the Medical Board shows that the petitioner suffered disability at 13%. Considering the fact that the accident is of the year 2017, I am inclined to fix Rs.5,000/- per percentage for the disability suffered by the claim petitioner and accordingly, the compensation awarded to the claim petitioner is reassessed as under:-

<i>Sl. Nos.</i>	<i>Heads under which the amount is awarded</i>	<i>Amount awarded by the Tribunal – Rs.</i>	<i>Amount awarded by this Court – Rs.</i>
1	Disability	Rs.39,000/-	Rs.65,000/-
2	Pain and Suffering	Rs.20,000/-	Rs.20,000/-
3	Transportation	Rs.2,000/-	Rs.10,000/-
4	Medical Expenses	Rs.10,900/-	Rs.10,900/-
5	Extra Nourishment	Rs.10,000/-	Rs.10,000/-
6	Loss of Earnings	Rs.16,000/-	Rs.16,000/-
7	Loss of Amenities	Rs.20,000/-	Rs.20,000/-
	Total	Rs.1,17,900/-	Rs.1,51,900/-

In total, the claim Petitioner is entitled to a sum of Rs.1,51,900/- (**Rupees One Lakh Fifty One Thousand Nine Hundred only**).

4. In fine,



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(i) this Civil Miscellaneous Appeal stands partly allowed, enhancing the award amount from **Rs.1,17,900/- to 1,51,900/-** to the extent indicated above, along with 7.5% interest per annum. No costs.

(ii) the 2nd Respondent/Insurance Company Limited is directed to deposit the enhanced award amount before the Tribunal, within a period of eight weeks from the date of receipt of a copy of this order, less the amount, if any already deposited.

(iii) on such deposit being made, the claim Petitioner/Appellant is permitted to withdraw the entire enhanced award amount with accrued interest and costs, less the award amount, if any, already withdrawn, by filing necessary application before the Tribunal.

(iv) the claim Petitioner/Appellant is directed to pay the court fee, if any, for the enhanced compensation amount and the Registry is directed to draft the decree only after the receipt of Court fee.

06.03.2024

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Index : Yes/No

Internet : Yes/No

Speaking Order: Yes/no

To

1. The Motor Accident Claims Tribunal, [Special Sub Court No.1, Motor



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Accident Claims Petitions] Small Causes Court, Chennai.

2. The Section Officer,
V.R.Section, High Court of Madras, Chennai.



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RMT.TEEKAA RAMAN.J.

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Judgment made in
C.M.A.No.2841 of 2021

Dated: 06.03.2024