



CMA No.1877 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

CORAM :

THE HONOURABLE **MR.JUSTICE RMT.TEEKAA RAMAN**

C.M.A.No.1877 of 2020

Judgment reserved on 29.01.2024	Judgment pronounced on 12.03.2024
--	--

Sibin Thomas

...

Appellant

Vs.

1.M/s.Aggarwal Transport Organisation
No.5, Transport Centre, Rohtak Road,
West Delhi, Delhi – 110 026.

2.National Insurance Co. Ltd.,
(Motor Third Party Cell)
No.751, Anna Salai, 3rd Floor
Chennai – 600 002.

...

Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the decree and judgment dated 07.08.2019 made in MCOP No.713 of 2015 on the file of the Motor Accident Claims Tribunal (II Small Causes Court), Chennai.

For Appellant : Mr.K.Varadhakamaraj

For R1 : No appearance

For R2 : Mr.S.Arunkumar



CMA No.1877 of 2020

J U D G M E N T

The claim petitioner is the appellant herein seeking enhancement of compensation awarded in MCOP No.713 of 2015 dated 07.08.2019 on the file of the Motor Accident Claims Tribunal (II Small Causes Court), Chennai.

2. On the point of quantum of compensation, heard the learned counsel appearing for the appellant as well as second respondent. Though notice has been served on the first respondent and their name has been printed in the cause list, there is no representation for them.

3. The claim appellant/ claim petitioner, in order to substantiate the claim made, examined himself as PW1 and marked Exs.P1 to P15. Disability certificate issued by Kollam Hospital was marked as Ex.P14. No persons in connection with Ex.P14 was examined. Ex.P2 is the case sheet, Ex.P3 to P5 are the discharge summaries, Ex.P7 is the further treatment continuation sheet and Ex.P8 is the medical bills. On a combined reading of Exs.P3 to P5 – discharge summaries (3 Nos.), it is seen that the appellant/claim petitioner was treated as inpatient from 22.07.2014 to 17.08.2014, 19.08.2014 to 19.09.2014, 19.09.2014 to 01.10.2014 and 08.08.2015 to 12.08.2015. Surgery was done on 10.08.2015. Based upon



CMA No.1877 of 2020

Ex.P14 - disability certificate issued by the Government Taluk

Headquarters Hospital, Kollam, the Trial Court has fixed the disability of the appellant as 40%, as stated in Ex.P14 and also noted that the appellant had taken treatment as inpatient for 70 days and underwent tracheostomy and surgery for his urinary bladder.

4. Taking into consideration the nature of injuries and the fact that the appellant was admitted as inpatient for 76 days and underwent tracheostomy and surgery for his urinary bladder, as stated supra, the sum of Rs.1,20,000/- awarded by the Tribunal as compensation towards disability is enhanced to Rs.1,60,000/-. The Tribunal has also awarded a sum of Rs.75,000/- towards future medical expenses and the same is enhanced to Rs.1,00,000/-, in view of the surgeries undergone thereof as disclosed in Exs.P3 to P5. Considering the period of treatment taken by the appellant as inpatient in the hospital and the fact that he would not have attended his work atleast for a period of three months, the sum of Rs.45,000/- awarded by the Tribunal towards loss of income is hereby confirmed. Considering the nature of injuries sustained by the appellant, the compensation awarded by the Tribunal under other heads are just and reasonable and hence the same are hereby confirmed. Thus, the compensation awarded by the



CMA No.1877 of 2020

Tribunal is enhanced from Rs.5,76,700/- to Rs.6,41,700/-, break-up as

follows -

<i>Sl. No</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	1,20,000/-	1,60,000/-
2.	Pain and Suffering	1,00,000/-	1,00,000/-
3.	Extra nourishment	50,000/-	50,000/-
4.	Transport to hospital	25,000/-	25,000/-
5.	Damages to clothes	1,000/-	1,000/-
6.	Attender charges	15,200/-	15,200/-
7.	Medical expenses	1,20,447/-	1,20,447/-
8.	Future Medical expenses	75,000/-	1,00,000/-
9.	Loss of Income	45,000/-	45,000/-
10.	Loss of Amenities	25,000/-	25,000/-
	Total	5,76,647/- rounded off to 5,76,700/-	6,41,647/- rounded off to 6,41,700/-

5. In total, the appellant / claim petitioner is entitled to a sum of Rs.6,41,700/- (Rupees Six Lakhs Forty One Thousand Seven Hundred only) alongwith 7.5% interest per annum.

6. In fine,



CMA No.1877 of 2020

(i) this Civil Miscellaneous Appeal stands partly allowed, enhancing the award amount from Rs.5,76,700/- to Rs.6,41,700/- to the extent indicated above, alongwith 7.5% interest per annum. No costs.

(ii) the 2nd Respondent/Insurance Company 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 appellant is permitted to withdraw the award amount alongwith 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, on the enhanced compensation amount and the Registry is directed to draft the decree only after the receipt of Court fee.

.03.2024

rgr

Index : Yes/No

Speaking/Non-speaking order



WEB COPY



CMA No.1877 of 2020

RMT.TEEKAA RAMAN, J.

rgr

To

1.The II Judge,
Motor Accident Claims Tribunal,
Small Causes Court, Chennai.

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

Pre-delivery Judgment in
C.M.A.No.1877 of 2020

.03.2024



WEB COPY



CMA No.1877 of 2020