



and decree dated 27/2/2012 passed in M.A.C.T.O.P. No.3642 of 2007 on the file of the learned Motor Accident Claims Tribunal, Chief Judge, Small Causes Court, Chennai.

2. The brief facts of the case is that on 5/8/2007, the appellant along with his son were travelling in a mini door vehicle bearing Registration No.TN-21-L-4156 from Sembulipuram to Marakkanam, when proceeding near Thalangadu Check Post in ECR road, at about 18.30 hours, Mahindra van bearing Registration No.TN-21-K-2086, belongs to the first respondent and insured with the second respondent, came from Pondicherry to Chennai in a rash and negligent manner and dashed against the vehicle bearing Registration No.TN-21-L-4156, thereby, the appellant, aged about 30 years, got injury on his right eye, which resulted in loss of vision.

3. Thereafter, the injured claimant/appellant filed a claim Petition before the Motor Accidents Claims Tribunal, claiming compensation of Rs.8,00,000/-. After adjudication, the Motor Accidents Claims Tribunal, awarded a sum of Rs.4,74,000/- to be payable by the second respondent on behalf of the first respondent within two months with interest, at the rate of 7.5% p.a., from the date of petition till the date of payment. Aggrieved by



the same, injured appellant has filed this appeal.

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4. Heard M/s. Subadra, learned counsel for the appellant and Mr.J.Chandran, learned counsel for the second respondent. There is no representation on behalf of the first respondent.

5. The learned counsel appearing for the appellant submitted that at the time of accident, appellant was working as a mason, aged about 25 years and was earning a monthly income of Rs.7,000/- p.m. He had lost his right vision and the Doctor had assessed the disability of the injured at 40% and when applied multiplier '16' to the loss of income fixed per month at Rs.2,250/-, it comes to Rs.4,32,000/- ($2500/- \times 12 \times 16 = \text{Rs.}4,32,000/-$).,

6. The appellant has filed his appeal for enhancement of compensation awarded by the Tribunal. The grievance of the appellant that the Tribunal has not awarded any amount under the head future prospects. It is clear that the claimant is a mason and has lost 50% of the earning capacity. In such a view of the matter, this Court is of the considered view to enhance the compensation amount by fixing Rs.50,000/- under the head future prospects.



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7. In the result, this Civil Miscellaneous Appeal is partly allowed and the order dated 27/2/2012 passed by the Tribunal in M.A.C.T.O.P.No.3642 of 2007 is modified, to the extent that the amount of compensation awarded by the Tribunal is enhanced to Rs.5,24,000/- from Rs.4,74,000/-. The second respondent is directed to deposit the entire award amount within two months from the date of petition till the date of realization. The second respondent Insurance Company is directed to deposit the award amount as ordered by this Court with interest, after deducting the amount, if any already deposited within a period of six weeks from the date of receipt of a copy of this order. On such deposit, the appellant/claimant is permitted to withdraw the same on making proper application before the Tribunal. No costs.

6/11/2024

Index : Yes / No

Neutral Citation: Yes/No

mvs



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To

1. The Motor Accident Claims Tribunal, Chief Judge,
Small Causes Court, Chennai.
2. New India Assurance Company Limited
45 V Floor, Moore Street
Chennai 600 001.
3. The Section Officer,
V.R. Section,
High Court, Madras – 104.



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M.DHANDAPANI, J

mvs.

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