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CMA.No.3398 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2024

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

CMA.No.3398 of 2021

R.S.Manavalan

... Appellant

Vs

1.M.V.Vignesh

2.The United India Insurance Company Limited,
Third Party Claims Office,
No.134, Greaves Road,
Chennai.

... Respondents

PRAYER: Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the order made in MCOP.No.249 of 2015 dated 13.11.2019, on the file of the Motor Accident Claims Tribunal (in the IV Court of Small Causes, at Chennai).

For Appellant : M/s.Amar Dineshbhai Pandiya

For Respondents : M/s.V.Dhakshana Moorthy [R.2]

: Not ready in notice [R.1]



JUDGEMENT

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The claimant is the appellant herein seeking an enhancement of the award passed in MCOP No.249 of 2015 by the Motor Accident Claims Tribunal (in the IV Court of Small Causes, at Chennai).

2. The only grievance of the claimant is that though the accident is of the year 2014 and the petitioner has sustained disability which has been assessed at 20% by the Regional Medical Board and the Medical Board Certificate marked as Ex.C.1, the Tribunal has only adopted a sum of Rs.3,000/- per percentage to arrive at a compensation for disability and the Tribunal ought to have adopted a sum of Rs.4,000/- per percentage as compensation.

3. Heard the counsels.

4. Though the Tribunal was correct in assessing the disability on percentage basis, however, while calculating the compensation under the head of disability has taken only a sum of Rs.3,000/- per percentage which is on lower side, therefore, a sum of Rs.4,000/- per percentage is granted.



Therefore, the award is modified only under the head of disability by awarding a sum of Rs.4,000/- per percentage and therefore the petitioner would be entitled to a total compensation of Rs.80,000/- as against the Rs.60,000/-. In all other respects the award of the Tribunal remains unaltered.

6. Therefore, the reworked compensation would be as follows:-

S.No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted or reduced or set aside
1.	Disability	60,000/-	80,000/-	Enhanced
2.	Medical Expenses	1,98,055/-	1,98,055/-	confirmed
3.	Future Medical Expenses	1,25,000/-	1,25,000/-	confirmed
4.	Loss of income	20,000/-	20,000/-	confirmed
5.	Pain and Suffering	25,000/-	25,000/-	confirmed
6.	Transportation Expenses	15,000/-	15,000/-	confirmed
7.	Additional Nourishment	15,000/-	15,000/-	confirmed
8.	Damages to clothes	1,000/-	1,000/-	confirmed
9.	Attender Charges	3,300/-	3,300/-	confirmed
10.	Loss of amenities	20,000/-	20,000/-	confirmed
	TOTAL	4,82,355/-	5,02,355/-	enhanced by Rs.20,000/-

7. Therefore, the Civil Miscellaneous Appeal is partly allowed and the award of the Tribunal be and hereby is enhanced to a sum of



Rs.5,02,355/- from Rs.4,82,355/- together with interest @ 7.5 % per annum from the date of petition till the date of deposit. In all other aspects the award of the Tribunal is confirmed. The 2nd respondent/insurance company is directed to deposit the said amount (Rs.5,02,355/-) to the credit of M.C.O.P.No. 249 of 2015 on the file of the Motor Accident Claims Tribunal (in the IV Court of Small Causes, at Chennai) together with interest @ 7.5% per annum from the date of claim petition till the date of deposit and costs as awarded by the Tribunal, less, the amount, if any already deposited, within a period of six weeks from the date of receipt of a copy of this Judgement. On such deposit being made, the petitioner is permitted to withdraw the award amount now determined by this Court, along with interest and costs, after adjusting the amount, if any, already withdrawn. The Tribunal shall not disburse the amounts until proof of payment of the Court fee is produced by the claimant/petitioner failing which the Tribunal shall get a confirmation from this Court that the Court fee has been paid. No costs.

01.04.2024

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
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To

1. The Motor Accident Claims Tribunal
(in the IV Court of Small Causes, at Chennai)
2. The Section Officer,
V.R. Section,
High Court, Madras.



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P.T. ASHA, J,

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