



WEB COPY



CMA.No.119 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2024

CORAM:

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

CMA.No.119 of 2022
& CMP.No.842 of 2022

The Divisional Manager,
National Insurance Company Ltd,
Do.110, JN Street,
Puducherry – 605 001.

... Appellant

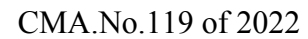
-Vs-

1.Arunkumar
2.Ponraj

... Respondents

Common Prayer: Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicles Act, 1988, against the award and decree dated 24-09-2021 made in M.C.O.P.No.2415 of 2015 on the file of the Motor Accident Claims Tribunal(Special Sub Court), Cuddalore.

For Appellant	: Mr.D.Bhaskaran
For R1	: Mrs.Ramya V.Rao
For R2	: D/w Vide Order dt.06.10.2023



Challenging the quantum of compensation awarded by the Tribunal, the present appeal has been filed by the appellant/Insurance Company.

Sl. No	Description	Amount awarded by Tribunal (Rs)
1.	Permanent Disability	4,50,840/-
2.	Pain and suffering	30,000/-
3.	Medical Expenses	10,000/-
4.	Transport Charges	5,000/-
5.	Extra Nourishment	10,000/-
6.	Medical Bills	6,200/-
	Grand Total	5,12,040/-

3. Today, when the matter is taken up for hearing, the learned counsel for the appellant and the first respondent filed a joint memo of calculation, stating that this memo of calculation filed before this Court is agreeable for both the appellant as well as the contesting respondent.



CMA.No.119 of 2022

WEB COPY

4. Accordingly, the memo of calculation submitted by the learned counsel appearing for the appellant and the first respondent is recorded and the compensation awarded by the Tribunal is modified as below;

Sl. No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted
1.	Permanent Disability	4,50,840/-	85,000/-	Reduced
2.	Pain and suffering	30,000/-	30,000/-	Confirmed
3.	Medical Expenses	10,000/-	-	Canceled
4.	Transport Charges	5,000/-	5,000/-	Confirmed
5.	Extra Nourishment	10,000/-	10,000/-	Confirmed
6.	Medical Bills	6,200/-	6,200/-	Confirmed
7.	Attender Charges	-	10,000/-	Enhanced
8.	Loss of Amenities	-	25,000/-	Enhanced
9.	Loss of Income	-	52,000/-	Enhanced
	Grand Total	5,12,040/-	2,23,200/-	Reduced by 2,88,840/-



CMA.No.119 of 2022

WEB COPY

5. In the result, this Civil Miscellaneous Appeal is partly allowed and the compensation awarded by the Tribunal at Rs.5,12,040/- is hereby reduced to Rs.2,23,200/- together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit. The Appellant 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 copy of this judgment to the credit of **M.C.O.P.No. 2415 of 2015** on the file of the Motor Accidents Claims Tribunal (Speical Sub Court), Cuddalore. On such deposit being made, the Tribunal is directed to transfer the Award amount, directly to the Bank account of the first respondent/Claimant through RTGS, within a period of **three weeks**. No costs. Consequently, the connected miscellaneous petition is closed.

09.02.2024

Tsg



WEB COPY



CMA.No.119 of 2022

To

- 1.The Motor Accidents Claims Tribunal,
Special Sub Court, Cuddalore.
- 2.The Section Officer,
V.R.Section, High Court, Madras.



WEB COPY



CMA.No.119 of 2022

KRISHNAN RAMASAMY, J.,

Tsg

CMA.No.119 of 2022

09.02.2024



WEB COPY



CMA.No.119 of 2022