



C.M.A.No.2721 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2024

C O R A M

THE HON'BLE MR. JUSTICE **KRISHNAN RAMASAMY**

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J.Ramesh

...Appellant

Vs

1.M.Muthukumaran
2.The Division Manager,
United India Insurance Co Ltd.,
Division Office, No.13A, Nethaji Road,
Cuddalore.

... Respondents

Prayer:

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to allow the appeal and enhance the compensation in MCOP.No.2503 of 2013 dated 24.08.2022 on the file of the Motor Accident Claims Tribunal, II Additional Sub Judge, Cuddalore.

For Appellant : Ms.Ramya V.Rao

For Respondent : Mr.D.Bhaskaran for R2
No appearance for R1



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JUDGMENT

This civil miscellaneous appeal has been filed challenging the judgment and decree dated 24.08.2022 in MCOP.No.2503 of 2013.

2. The learned counsel for the claimant would submit that on 06.08.2013, when the appellant was riding his motor cycle bearing Registration No.TN-31-AT-5662 at Panruti-Salem Road, another motor cycle bearing Registration No.PY-01-BK-1623 came in a rash and negligent manner and dashed against the appellant, due to which he had sustained grievous injuries. Considering all the aspects, the Tribunal had awarded the compensation in the following manner:

<i>S.No</i>	<i>Heads</i>	<i>Compensation (Rs.)</i>
1	For Partial Permanent Disability	1,05,000
2	Pain and Sufferings, Mental Agony	30,000
3	For Loss of Amenities	20,000
4	Extra Nourishment	10,000
5	Attender Charges	10,000



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<i>S.No</i>	<i>Heads</i>	<i>Compensation (Rs.)</i>
6	Transportation	10,000
7	Temporary Loss of Income	60,000
8	Medical Expenses	8,105
9	Future Medical Expenses	Nil
	Total	2,53,105

3. Further, she would submit that the claimant is working as a Professor and due to the injuries sustained by the claimant, he is continuously facing giddiness, due to which, he was unable to take classes. Further, she would contend that the Tribunal had only awarded a sum of Rs.60,000/- towards the loss of income for the treatment period, i.e., 5 months, which is too low. That apart, the amount awarded towards loss of amenities is also on the lower side and no amount was awarded towards future medical expenses. Hence, she requests this Court to re-determine the compensation awarded by the Tribunal.

4. In reply, the learned counsel for the respondent would submit that considering the avocation of claimant, any reasonable amount may be fixed as notional income of the deceased. Further, he would also submit that considering the facts and circumstances of the case, the compensation may be modified in



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accordance with law.

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5. Heard the learned counsel for the appellant and the respondents and also perused the documents available on records.

6. In the present case, even after considering the year of accident, age and avocation of the claimant, the Tribunal fixed only a sum of Rs.12,000/- as notional income of the claimant and awarded the loss of income for a period of 5 months, which is too low. Since the accident was occurred in the year 2013 and the claimant is working as a Professor, this Court is inclined to fix a sum of Rs.20,000/- as notional income of the claimant. Hence, the amount awarded towards loss of income stands enhanced to a sum of Rs.1,00,000/- [Rs.20,000/- * 5 months].

7. Further, it appears that no amount was awarded towards future medical expenses. Since the claimant is still undergoing treatment, this Court is inclined to award a sum of Rs.25,000/- towards Future Medical Expenses. That apart, since the amount awarded towards Loss of Amenities appears to be too low, this



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Court is inclined to award a sum of Rs.40,000/- towards the same.

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8. Accordingly, the compensation awarded by the Tribunal is modified as follows:

<i>S.No.</i>	<i>Heads</i>	<i>Compensation awarded by Tribunal (Rs.)</i>	<i>Compensation awarded by this Court (Rs.)</i>
1	For Partial Permanent Disability	1,05,000	1,05,000
2	Pain and Sufferings, Mental Agony	30,000	30,000
3	For Loss of Amenities	20,000	40,000
4	Extra Nourishment	10,000	10,000
5	Attender Charges	10,000	10,000
6	Transportation	10,000	10,000
7	Temporary Loss of Income	60,000	1,00,000
8	Medical Expenses	8,105	8,105
9	Future Medical Expenses	Nil	25,000
	Total	2,53,105	3,38,105

9. Therefore, the amount awarded by the Tribunal is modified as a sum of Rs.3,38,105/-. Accordingly, the award amount stands increased from a sum of Rs.2,53,105/- to Rs.3,38,105/-. In all other aspects, the award of the Tribunal stands confirmed.



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10. In the result, this Civil Miscellaneous Appeal is partly allowed and the 2nd respondent is directed to deposit a sum of Rs.3,38,105/- along with interest and costs, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this judgment, to the credit of MCOP.No.2503 of 2013 dated 24.08.2022 on the file of the Motor Accident Claims Tribunal, II Additional Sub Judge, Cuddalore. Upon such deposit, the Tribunal is directed to transfer the award amount to the bank account of the claimant, by way of RTGS, within a period of three weeks from the date of deposit and receipt of the Bank details obtained from the claimant. No costs.

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Index: Yes/No
Internet: Yes/No
Speaking order/Non-speaking order
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KRISHNAN RAMASAMY,J.

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