



CMA(MD)No.406 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.406 of 2023

Muthukrishnan

... Appellant

Vs.

1.Chinnasamy

2.The Divisional Manager,
United India Insurance Company Limited,
Having Office at Door No.9/1/2,
Ramakrishnapuram North,
Karur Town.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, praying to allow this appeal and enhance the award amount in M.C.O.P.No.797 of 2017, on the file of the Motor Accident Claims Tribunal, (Special Subordinate Judge), Dindigul dated 30.03.2022.

For Appellant : Mr.G.Karnan

For Respondent No.1 : No appearance

For Respondent No.2 : Mr.I.Suthakaran

JUDGMENT

The claimant has preferred this appeal to enhance the award amount granted in M.C.O.P.No.797 of 2017 on the file of the Motor Accident Claims Tribunal (Special Subordinate Judge), Dindigul, dated 30.03.2022.



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2. It is a case of injury. The claimant has suffered by head injury, spinal cord injury and fractur in three ribs and other injuries as well.

3. The Medical Board has assessed the disability as 80% and based on the same disability certificate the Tribunal had granted compensation. The Tribunal has considered the medical bills. The claimant has taken treatment in Meenakshi Mission Hospital, Madurai as well as JCB Hospitals, Dindigul. But the tribunal has taken the bills submitted by the Meenakshi Mission Hospital, but had declined for the other bills. Hence the bills of other hospitals ought to be were not considered.

4. The Learned Counsel appearing for the Insurance Company vehemently submitted that without proving the other medical bills, the claimant is not entitled to compensation under medical bills.

5. On perusal of the Order passed by the Tribunal, it is seen that P.W.3/Record Clerk of the Meenakshi Mission Hospital, Madurai, has proved the medical bills issued by the Meenakshi Mission Hospital by deposing and comparing the bills. However, the bills issued by the JCB Hospitals were not proved through any official of the JCB hospitals. The claimant has produced



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original bills before this Court. On perusal of the same this Court is convinced that the bills are original and hence this Court is fixing medical expenses to the tune of Rs.5,00,000/-, instead of 1,81,815/-. Further this Court is increasing a sum of Rs.1,00,000/- under the head of pain and suffering and Rs.80,000/-for loss of amenities. Since the claimant is in vegetative stage, the disability is fixed as 100%. Loss of amenities is enhanced from Rs.30,000/- to Rs.80,000/-. The compensation granted by the Tribunal under the other heads are hereby confirmed.

Monthly income is Rs.	Rs.15,000/-
ADD future prospectus 40%	Rs. 6,000

	Rs.21,000/-
Loss of income is Rs.21,000 x 15 x 12	= Rs.37,80,000/-

6. Accordingly, the claimant is entitled for compensation as follows:

S. No.	Description	Amount awarded by		Award confirmed / enhanced / granted
		Tribunal	This Court	
1.	For future loss of income and disability	Rs.21,60,000/-	Rs.37,80,000/-	Enhanced
2.	Medical expenses	Rs.1,81,815/-	Rs.5,00,000/-	enhanced
3.	For Transportation charges	Rs. 10,000/-	Rs. 10,000/-	confirmed
4.	For Extra Nourishment	Rs. 10,000 /-	Rs. 10,000/-	confirmed
5.	Damages to clothing and articles	Rs. 5,000/-	Rs. 5,000/-	confirmed
6.	Pain and sufferings	Rs. 50,000/-	Rs.1,00,000/-	enhanced



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7.	Attender charges	Rs.10,000/-	Rs.10,000/-	confirmed
8.	Loss of amenities	Rs. 30,000/-	Rs.80,000/-	enhanced
Total		Rs.24,56,815/-	Rs. 44,95,000/-	

This Court is granting a sum of **Rs. 44,95,000/-** as compensation with 7.5% interest along with Costs.

7. Accordingly, this Court is granting a sum of **Rs. 44,95,000/-** as compensation. The Insurance Company is directed to deposit the entire compensation amount with 7.5% interest along with Costs, within a period of 8 weeks from the date of receipt of a copy of the Judgment, less the amount if already deposited. On such deposit being made, the claimant is permitted to withdraw the same with accrued interests and costs, as per law. Since this Court is enhancing the compensation, the claimant is liable to pay the balance Court fee, if not already paid.

8. With the above said directions, the Civil Miscellaneous Appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

22.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
KSA



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To

1. The Motor Accident Claims Tribunal,
(Special Subordinate Judge),
Dindigul.
2. The Divisional Manager,
United India Insurance Company Limited,
Having Office at Door No.9/1/2,
Ramakrishnapuram North,
Karur Town.
3. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

KSA

**Order made in
C.M.A(MD)No.406 of 2023**

22.02.2024