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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No. 578 of 2023
and
C.M.P(MD)Nos. 7522 & 12557 of 2023

The Manager,
TATA AIG General Insurance Company Limited,
No.1, Ethiraj Salai,
Elumbur,
Chennai – 600 008.

... Appellant

Vs.

1. Saminathan

2. Arul

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, to set aside the Judgment and Decree passed in M.C.O.P.No.1698 of 2019 dated 30.11.2021 on the file of the Motor Accident Claims Tribunal, Special Subordinate Court, Thanjavur.

For Appellant : Mr.J.S.Murali

For R-1 : Mr.G.Karnan

R-2 : Notice dispensed with

JUDGEMENT

The Insurance Company has preferred this Civil Miscellaneous Appeal, to set aside the Judgment and Decree passed in M.C.O.P.No.1698 of



2019 dated 30.11.2021 on the file of the Motor Accident Claims Tribunal,
Special Subordinate Court, Thanjavur.

2. It is a case of injury. The contention of the Insurance company is that the Tribunal has accepted the medical bills as it is and granted compensation of Rs.9,31,612/-. The injury is fracture in the leg and for the same the said amount is on higher side. It is seen from the medical bills, the injured has incurred fracture in his leg and also injury on the head. The treatment was given to head injury as well. The deceased has taken treatment for 17 days, as inpatient. On perusal of the medical bills produced by the claimant, the bills are attested by the Hospital as true copy. Therefore, this Court is not accepting the plea of the Insurance company. The medical bills are to the tune of Rs.9,31,612 is hereby confirmed.

3. As far as the plea of multiplier method is concerned, the contention of the Insurance Company is that for injury the Tribunal had fixed multiplier method and the same is erroneous. If the injury is more than 50% and the circumstances warrants, then multiplier method may be adopted. The medical certificate had fixed 55% partial disability and not full body disability.



4. Therefore for fixing of salary to the claimant, the multiplier method is hereby modified and other compensation under the heads are confirmed:

Annual income of the petitioner (Rs.8000 x 12) = Rs. 96,000/-
Future Prospects (25%) = Rs. 24,000/-
The Total annual income of the petitioner =Rs.1,20,000/-
Loss of annual income due to disability (25%) = Rs. 75,000/- [25 x 5,000]

=Rs.3,15,000/-

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

S. No.	Description	Amount awarded by		Award confirmed / enhanced / granted
		Tribunal	this Court	
1.	For Loss of income due to the disability	Rs.3,90,000/-	Rs.3,15,000/-	reduced
2.	Pain and sufferings	Rs. 50,000/-	Rs. 50,000/-	confirmed
3.	For Love of amenities	Rs. 50,000/-	Rs. 50,000/-	confirmed
4.	For loss of income during treatment	Rs. 8,000 /-	Rs. 8,000/-	confirmed
5.	Attendant charges	Rs. 5,000/-	Rs. 5,000/-	confirmed
6.	Conveyance charges	Rs. 5,000/-	Rs. 5,000/-	confirmed
7.	Special diet	Rs. 5,000/-	Rs. 5,000/-	confirmed
8.	Reimbursement of medical bills	Rs.9,31,612/-	Rs.9,31,612/-	confirmed
Total		Rs.14,44,612/-	Rs.13,69,612/-	



This Court is granting a sum of **Rs.13,69,612/-** as compensation with interest along with Costs.

6. Accordingly, this Court is granting a sum of **Rs.13,69,612/-** as compensation. The Insurance Company is directed to deposit the entire compensation amount with 7.5% interest from the date of filing the petition till the date of realization, within a period of 8 weeks from the date of receipt of a copy of the order, if not deposited. On such deposit being made, the claimant is permitted to withdraw the same with accrued interests and costs, less the amount already withdrawn by him, if any, by filing appropriate application before the Tribunal.

7. With the above said directions, the Civil Miscellaneous Appeal is partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

08.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1. The Motor Accident Claims Tribunal/
Special Subordinate Court,
Thanjavur.
2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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**Order made in
C.M.A(MD)No.578 of 2023**

08.02.2024