



C.M.A(MD)No.190 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2024

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THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.190 of 2024

N.Jeyaram Sitharth

... Appellant

Vs.

1.M/s.Sri Jeyachakara Corporation,
No.21, 22, Plot No.33,
4th Main Street, Jai Nagar,
Ponmeni, Madurai.

2.M/s.ICICI Lombard General Insurance,
7AA Road, Gnanaolivupuram,
Madurai.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, against the Award dated 02.01.2024 passed in M.C.O.P.No. 1231 of 2019, on the file of the Motor Accident Claims Tribunal (IV Additional Sub Court), Madurai.

For Appellant : Mr.I.Robert Chandra Kumar

For R1 : No Appearance

For R2 :Mr.P.Pethurajesh



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JUDGMENT

This Civil Miscellaneous Appeal is preferred by the claimant.

2.It is a case of injury. The only contention raised by the claimant is that the Tribunal has taken the wrong multiplier for arriving at the compensation. At the time of accident, the injured was aged 25 years, 6 months and 16 days but the Tribunal has taken the age as 26 years and fixed the multiplier as 17. If the age of the injured is taken as 25, then the applicable multiplier is 18.

3. The learned Counsel appearing for the appellant relied on the judgment rendered by the Hon'ble Supreme Court in the case of ***Shashikala and others vs. Gangalakshamma and another*** reported in ***2015 (1) TNMAC 785 (SC)***, wherein the Hon'ble Supreme Court has held if the age of the person is 45 years, 5 months and 28 days, it has to be taken as 45 years only. In short, the completed age has to be taken and the running age should not be taken.

4. Therefore, this Court is of the considered opinion that the multiplier fixed by the Tribunal as 17 should be fixed as 18. The other findings rendered by the Tribunal is confirmed. Hence, the modified compensation is as under:



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Sl.No.	Head of Compensation	Modified award granted by this Court	Award granted by the Tribunal
1.	Loss of future earning on account of permanent disablement (Rs.21,000/-*12*18*30/100)	Rs.13,60,800/- (enhanced)	Rs.12,85,200/-
2.	For pain and suffering	Rs.60,000/- (confirmed)	Rs.60,000/-
3.	Treatment expenditures	Rs.1,73,800/- (confirmed)	Rs.1,73,800/-
4.	For transport expenses (Ambulance + flight fare)	Rs.29,100/- (confirmed)	Rs.29,100/-
5.	For extra nourishment	Rs.20,000/- (confirmed)	Rs.20,000/-
6.	Attendant charges	Rs.9,500/- (confirmed)	Rs.9,500/-
7.	Procurement of custom made shoes	Rs.6,800/- (confirmed)	Rs.6,800/-
Total compensation granted by this Court		Rs.16,60,000/- (enhanced)	Total = Rs. 15,84,400/-

5. Therefore, the 2nd respondent is directed to deposit **Rs.16,60,000/-** with interest at the rate of 7.5% per annum and costs to the credit of M.C.O.P., on the file of claims Tribunal, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit, 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.



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6. With the above said directions, the Civil Miscellaneous Appeal is partly allowed. No costs.

13.03.2024

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

Tmg

To

- 1.Motor Accident Claims Tribunal /
(IV Additional Sub Court), Madurai.
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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