



C.M.A(MD)No.361 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.03.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.361 of 2024

K.Srirengaraj

... Appellant

Vs.

1. M/s.Raja Matches,
represented Through its Proprietor.

2. The Divisional Manager,
The New India Assurance Ltd,
Samayannan Pillaiyar Kovil Street,
Virudhunagar.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, to set aside the order of the Additional District Judge, (Fast Track Court) of the Motor Accident Claims Tribunal, Virudhunagar made in M.C.O.P.No.227 of 2004 dated 28.07.2005 and enhance the award and allow this appeal with costs.

For Appellant : M/s.G.Ganesh Kumar

For R-2 : Mr.C.Karthik



C.M.A(MD)No.361 of 2024

JUDGEMENT

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The claimant has filed this Appeal to enhance the compensation granted by the Learned Additional District Judge, (Fast Track Court) of the Motor Accident Claims Tribunal, Virudhunagar, in M.C.O.P.No.227 of 2004, dated 28.07.2005.

2. It is a case of injury. The claimant's right leg was amputated. The claimant was in service as Sepoy in Indian Army. After the accident, the claimant has lost his promotional chances in his profession, however he was accommodated to manage STD Booth. The contention of the claimant is that he lost his future prospectus, however, the Tribunal has failed to grant the same. Further the Tribunal has not granted attender charges and for future medical expenses.

3. The Learned counsel appearing for the Insurance company vehemently opposed the contention of the claimants and submitted that since the accident had occurred on 21.01.2003 and the appeal was filed belatedly. He vehemently opposed for condoning the delay on condition that the claimant is not entitled to any interest. As far



C.M.A(MD)No.361 of 2024

as the enhancement is concerned, the Insurance company vehemently opposed for increasing future prospectus, since the Tribunal has considered the same and had held that the petitioner has not submitted any evidence to prove the future prospectus was affected for the claimant. However, the Learned counsel appearing for the claimant submitted a certificate issued by the Officer, wherein it has been stated that claimant is not eligible for further promotion. However, this certificate was not produced before the Tribunal.

4. The next contention that was raised by the claimant is that the Tribunal has not granted any future medical expenses. But the claimant has not claimed in his claim petition itself for future medical expenses. Therefore, this Court is restricting the plea of enhancement. In such circumstances, loss of future promotion, this Court is inclined to grant a sum of Rs.2,75,000/-. As far as the future medical expenses is concerned, this Court is granting a sum of Rs.1,25,000/-, as far as the attender charge is concerned, this Court is granting a sum of Rs.20,000/-. The compensation granted under the other heads are confirmed.



C.M.A(MD)No.361 of 2024

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

S. No.	Description			Award confirmed / enhanced / granted
1.	For disability	Rs.1,50,000/-	Rs.1,50,000/-	confirmed
2.	For loss of amenities	Rs.1,00,000/-	Rs.1,00,000/-	confirmed
3.	For pain and suffering	Rs. 50,000/-	Rs. 50,000/-	enhanced
4.	For extra nourishment	Rs. 5,000/-	Rs. 5,000/-	confirmed
5.	For transport charges	Rs. 15,125/-	Rs. 15,125/-	confirmed
6.	For fixing of artificial limb	Rs. 25,000/-	Rs. 25,000/-	confirmed
7.	For loss of future promotion		Rs.2,75,000/-	granted
8.	For attender charges		Rs. 20,000/-	granted
9.	For future medical expenses		Rs.1,25,000/-	granted
Total		Rs. 3,45,125/-	Rs.7,65,125/-	

From the total compensation of Rs.3,45,125/- this Court is enhancing a sum of Rs.7,65,125/-as compensation.

6. Accordingly, this Civil Miscellaneous Appeal is partly allowed. This Court is enhancing the compensation of Rs.7,65,125/- from the compensation granted by the Tribunal Rs.3,45,125/-. The Insurance company is directed to deposit the entire compensation amount, within a period of 8 weeks from the date of receipt of a copy of the order with 7.5% interest from the date of filing the petition till the



C.M.A(MD)No.361 of 2024

date of realization along with Costs, less the amount already deposited.

The claimant is not entitled to any interest for the enhanced compensation of Rs.4,20,000/-. On such deposit claimant is permitted to withdraw the same. The claimant is directed to pay the balance Court fee or the same shall be deducted from the amount before disbursing.

7. With these observations, this Civil Miscellaneous Appeal is partly allowed. No costs.

28.03.2024

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

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C.M.A(MD)No.361 of 2024

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To

1. The Additional District Court,
(Fast Track Court) of the
Motor Accident Claims Tribunal,
Virudhunagar.
2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.M.A(MD)No.361 of 2024

S.SRIMATHY, J.

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**Order made in
C.M.A(MD)No.361 of 2024**

28.03.2024