



C.M.A(MD)No.111 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.03.2024**

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.111 of 2022

Panipitchai

... Appellant

Vs.

1. The Superintendent of Police,
Tirunelveli District.
2. The District Collector,
Tirunelveli District.
3. The Commandant,
Tamil Nadu Special Armed Force,
Manimutharu,
Ambasamudram Taluk,
Tirunelveli District.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, to allow this appeal and enhance the award amount in M.C.O.PNo.97 of 2013 on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate Court), Tirunelveli, dated 03.01.2017.



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For Appellant : Mr.T.Selvakumaran

For Respondents : M/s. S.Jeyapriya

JUDGEMENT

This appeal is filed by the claimant against the order passed by the Tribunal.

2. It is the case of injury. According to the appellant, the Tribunal had not fixed any amount for future prospects. As well as the Tribunal has granted only Rs.40,000/- (Rupees Forty Thousand only) for pain and suffering, which is on the lower side. The learned Counsel for the appellant submitted that the appellant was only 21 years at the time of accident occurred and he has lost his entire life due to the accident. The Medical Board has certified 90% for physical disability. But the Tribunal has granted Rs.10,50,000/- by fixing 75% of permanent disability. Further the Tribunal has taken the monthly income of the injured as Rs.6,500/-, applied multiplier method by fixing the multiplier as 18.



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3. This Court is of the considered opinion that rather than going into any calculation for future prospects, it would suffice if Rs.2,30,000 /- (Rupees Two Lakh Thirty Thousand only) is added for 75% of the permanent disability. As far as the pain and suffering is concerned, Rs.20,000/- is added. Therefore, this Court is increasing the compensation to the tune of Rs.2,50,000/- (Rupees Two Lakh Fifty Thousand only). With this modification, the other compensation granted under other heads are confirmed.

4. The modified compensation awarded by this Court is as under:

Sl.No.	Head of Compensation	Modified award granted by this Court	Award granted by the Tribunal
1.	75% Permanent Disability	Rs.12,83,000/- (enhanced)	Rs.10,53,000/-
2.	Medical Expenses	Rs.4,70,000/- (confirmed)	Rs.4,70,000/-
3.	Pain and Sufferings	Rs.60,000/- (enhanced)	Rs.40,000/-
4.	Transportation	Rs.20,000/- (confirmed)	Rs.20,000/-
5.	Attender Charges	Rs.20,000/- (confirmed)	Rs.20,000/-



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Sl.No.	Head of Compensation	Modified award granted by this Court	Award granted by the Tribunal
6.	Loss of income for four months	Rs.26,000/- (confirmed)	Rs.26,000/-
7.	Mental agony, Loss of future amenities	Rs.40,000/- (confirmed)	Rs.40,000/-
8.	Extra nourishment	Rs.10,000/- (confirmed)	Rs.10,000/-
Enhanced Total compensation granted by this Court		Rs.19,29,000/-	Total compensation awarded by Tribunal = Rs.16,79,000/-

5. The 2nd and 3rd respondents are directed to deposit the sum of Rs.19,29,000/- (Rupees Nineteen Lakh Twenty Nine Thousand only) with interest at the rate of 7.5% per annum, 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 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.



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6. With the above said modification, this civil miscellaneous petition is partly allowed. No costs.

22.03.2024

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

To

- 1.Motor Accident Claims Tribunal,
(Chief Judicial Magistrate Court)), Tirunelveli.
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

jbr

Order made in
C.M.A(MD)No.111 of 2022

22.03.2024