



C.M.A(MD)No.223 of 2022

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.223 of 2022

Babu @ Babu Alexander

... Appellant

Vs.

1. Anna Selvam

2. United India Insurance Company Limited,
Through its Branch Manager,
No.5/1 Alagu Bagavathy Complex,
Kailasapuram Middle Street, Tirunelveli.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree made in MCOP No.86 of 2015 on the file of the Motor Accident Claims Tribunal, (Special Sub Judge), Tirunelveli, dated 06.07.2017.

For Appellant : Mr.T.Selvakumaran
For R2 : Mr.J.S.Murali

JUDGMENT

The claimant has preferred this Civil Miscellaneous Appeal for enhancement.



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2.It is a case of injury. The contention of the claimant is that during the accident, he had several fractures from hip to toe and also had head injury and facial injury. The claimant also underwent seven surgeries. In spite of the same, the Tribunal has granted less compensation. The further contention of the claimant is that he was working as “electrician” hence, with 60% permanent disability, he would not be able to continue his job. The Tribunal has taken only Rs.3,000/- for each percentage of permanent disability, which comes to Rs. 1,80,000/- (Rs.3,000/- * 60). Therefore, this Court is inclined to increase the same from Rs.3,000/- to Rs.4,000/- for each percentage of permanent disability which amounts to Rs.2,40,000/- (Rs.4,000/- * 60) and the same is just and fair compensation.

3.As far the pain and suffering are concerned, this Court is enhancing the same from Rs.40,000/- to Rs.70,000/-. As far as nourishment is concerned, this Court is enhancing the same from Rs.5,000/- to Rs.25,000/-. As far as loss of amenities is concerned, this Court is enhancing the same from Rs.12,250/- to Rs. 27,250/-.

4. The modified award amount granted by this Court is as under:



Sl.No.	Head of Compensation	Modified award granted by this Court	Award granted by the Tribunal
1.	Partial Permanent Disability (Rs.4,000/- * 60)	Rs.2,40,000/- (enhanced)	Rs.1,80,000/-
2.	As per Ma.Saa.Aa.3	Rs.3,75,000/- (confirmed)	Rs.3,75,000/-
3.	As per Ma.Saa.Aa.4	Rs.60,533/- (confirmed)	Rs.60,533/-
4.	As per Ma.Saa.Aa.6	Rs.26,251.50/- (confirmed)	Rs.26,251.50/-
5.	Loss of Income due to hospitalization for 15 days	Rs.3,000/- (confirmed)	Rs.3,000/-
6.	Loss of Income for three months after treatment	Rs.18,000/- (confirmed)	Rs.18,000/-
7.	Transportation (7 times for treatment)	Rs.25,000/-(confirmed)	Rs.25,000/-
8.	Nourishment	Rs.25,000/-(enhanced)	Rs.5,000/-
9.	Attendant Charges	Rs.5,000/-(confirmed)	Rs.5,000/-
10.	Pain and Sufferings	Rs.70,000/- (enhanced)	Rs.40,000/-
11.	Loss of Amenities	Rs.27,250/- (enhanced)	Rs.12,250/-
Enhanced total compensation granted by this Court		Rs.8,75,034.50/-	Total compensation awarded by Tribunal = Rs.7,50,034.50/-

5.The 2nd respondent Insurance Company is directed to deposit Rs. 8,75,034.50/- (Rupees Eight Lakh Seventy Five Thousand Thirty Four and Fifty paise only) 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 eight weeks from the date of receipt of a copy of this judgment.



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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.

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,
(Special Sub Judge), Tirunelveli,
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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