



C.M.A.(MD) No.197 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

C.M.A.(MD)No.197 of 2023

P.Lakshmanan
Appellant/Petitioner

...

vs.

1.S.Siva Sathiya Moorthy

2.United India Insurance Company Limited,
Through its Divisional Manager,
No.1,Post Office Road,
Palayamkottai,
Tirunelveli – 627 002.

3.United India Insurance Company Limited,
Through its Branch Manager,
No.37/2, Mattappa Street,
Neel Complex, 2nd Floor,
Tenkasi – 627 811.

...

Respondents/Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1973, against judgment and decree dated 22.09.2022 passed in M.C.O.P.No.114 of 2021 on the file of the Motor Accidents Claims Tribunal, Additional Sub Court, Tirunelveli.



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For appellant : Mr.T.Selvakumaran
For Respondents
For R1 : No appearance
For R2 : Mr.C.Jawahar Ravindran
For R3 : Mr.J.S.Murali

J U D G M E N T

Not being satisfied with the award dated 22.09.2022 passed in M.C.O.P.No.114 of 2021 by the Motor Accidents Claims Tribunal/ Additional Sub Court, Tirunelveli, the claimant herein has preferred this appeal for enhancement of compensation.

2. Heard the arguments of the learned counsel for the appellant and the learned counsel for the respondents 2 and 3 and perused relevant records.

3. Upon consideration, the Tribunal has granted compensation for a sum of Rs.20,00,000/- for the claimant and the details of the compensation under different heads are given hereunder:



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Sl. No.	Description	Amount awarded by the Tribunal
1	For loss of future income	Rs.18,90,000/-
2	For loss of amenities	Rs.15,000/-
3	For pain and sufferings	Rs.75,000/-
4	For extra nourishment	Rs.10,000/-
5	For transport expenses	Rs.10,000/-
Total		Rs.20,00,000/-

4. It is the evidence of P.W.1/claimant (injured) that on 05.08.2020, while he was driving his two wheeler bearing registration No.TN-67-AF-5513 along with pillion Palavesam, along Tenkasi-kadaiam main road, they were hit by a TATA Indica car bearing registration No.TN-72-AJ-4821, which came in rash and negligent manner from the opposite side. Due to the said accident, the claimant has suffered amputation of right leg below knee and fracture of right forearm. As per Ex.P2 dated 10.08.2020 and Ex.P3 dated 03.11.2020 (Discharge summaries), the Medical Board assessed his disability at 75% as partial permanent disability.

5. It has come on record through evidence of P.W.1/claimant



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that before the accident, he was working as a Carpenter and earning a sum of Rs.20,000/- p.m. The date of accident is 05.08.2020. It is his evidence that he was earning a sum of Rs. 700/- per day. The Tribunal has fixed his monthly income at Rs. 10,246/- as per the Tamil Nadu Minimum Wages Act, 2022. In consideration of the above said details, the Tribunal has fixed his functional disability at 100%, which cannot be found fault with. Date of accident in 05.08.2020.

6. Based on the aforesaid details with regard to the avocation and income of the claimant, though no document is marked to substantiate the said details, his income is safely fixed at Rs. 15,000/-. There is no dispute as to the fixation of age and selection of multiplier. Therefore, for computing loss of future income, the following formula emerges:

$$\text{Rs.15,000/-} \times 12 \times 15 = \text{Rs.27,00,000/-}$$

7. For loss of amenities, an amount of Rs.15,000/- is granted



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in addition to the amount already granted by the Tribunal. For transport expenses, as the claimant suffered amputation of below knee of right leg, an amount of Rs.10,000/- is granted in addition to the amount awarded by the Tribunal. For attendant charges, an amount of Rs.15,000/- is granted. As regards other heads, the amount granted by the Tribunal appears to be reasonable and acceptable and hence, it needs no interference and the compensation granted is re-worked and tabulated as given hereunder:

S. No	Description	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted or reduced
1	For loss of future income	Rs. 18,90,000/-	Rs.27,00,000/-	Enhanced
2	For loss of amenities	Rs. 15,000/-	Rs. 30,000/-	Enhanced
3	For pain and sufferings	Rs. 75,000/-	Rs. 75,000/-	Confirmed
4	For extra nourishment	Rs. 10,000/-	Rs. 10,000/-	Confirmed
5	For transport expenses	Rs. 10,000/-	Rs. 20,000/-	Enhanced
6	For attendant charges	---	Rs. 15,000/-	Granted
	Total	Rs. 20,00,000/-	Rs.28,50,000/-	Enhanced by Rs.8,50,000/-



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8. In the result,

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(i) The Civil Miscellaneous Appeal stands partly allowed. No costs.

(ii) The compensation awarded by the Tribunal is enhanced from Rs.20,00,000/- to Rs.28,50,000/-.

(iii) The respondents 2 and 3/Insurance Company are directed to deposit the enhanced compensation amount of Rs. 28,50,000/- (less the amount already deposited if any) with interest at 7.5% p.a. from the date of filing of the claim petition till the date of realisation to the credit of M.C.O.P.No.114 of 2021 on the file of Motor Accidents Claims Tribunal, Additional Sub Court, Tirunelveli, within a period of eight (8) weeks from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the claimant/appellant is permitted to withdraw the enhanced compensation amount with interest, after adjusting the amount, if any already withdrawn by filing necessary application before the Tribunal.

(v) The claimant/appellant is directed to pay the Court fee for the enhanced compensation amount, if required.



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(vi) The Tribunal below shall disburse the amount upon production of the certified copy showing proof of payment of Court fee by the claimant.

29.01.2025

NCC : Yes/No

(1/2)

Index : Yes / No

Internet : Yes / No

apd

To

1.The Additional Sub Judge,
The Motor Accidents Claims Tribunal,
Additional Sub Court,
Tirunelveli.

2.The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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R.KALAIMATHI,J

apd

Pre-delivery order made in
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