



C.M.A.(MD) No.629 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

C.M.A.(MD)No.629 of 2024

Natarajan

... Appellant/Petitioner

vs.

1.Udhayakumar

2.United India Insurance Company Limited
Through its Branch Manager
No.560 X, Kandan Complex, 2nd Floor,
Opposite to New Bus Stand,
Valliyoor.

... Respondents/Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1983, against judgment and decree dated 19.05.2023 passed in M.C.O.P.No.255 of 2017 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate Court, Tirunelveli.

For appellant : Mr.T.Selvakumaran

For Respondents

For R1 : Notice - dispensed with
For R2 : Mr.G.Prabhu Rajadurai



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J U D G M E N T

Not being satisfied with the award dated 19.05.2023 made in M.C.O.P.No.255 of 2017 by the Motor Accidents Claims Tribunal/Chief Judicial Magistrate Court, Tirunelveli, the claimant has preferred this appeal for enhancement of compensation.

2. Heard the learned counsel for the appellant and the learned counsel for the second respondent/Insurance Company and perused the relevant records.

3. Upon consideration, the Tribunal has granted Rs.4,000/- per percentage (disability was assessed at 22% by the Medical Board, Tirnelveli). For loss of income during treatment period, an amount of Rs.60,000/- is granted (Rs.10,000/- p.m. x 6 months). For pain and sufferings, an amount of Rs.50,000/- and for medical expenses, an amount of Rs.2,18,868/- was granted. For transportation charges, extra nourishment and for attendant charges, Rs.10,000/- was granted under each head. For loss of



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amenities, Rs.1,00,000/- was granted. In all, an amount of

Rs.5,46,868/- was granted.

4. It has come on record through the evidence of P.W. 1/claimant that on account of the accident, he suffered facial injury, fracture dislocation of carpometacarpal junction of 2nd, 3rd, 4th and 5th fingers, fracture PPx third and fourth toe of right foot. As regard facial injuries, he sustained multiple facial bones fracture. As per the discharge summary/Ex.P2, he was admitted at private hospital at Thiravium Orthopaedic Hospital, Nagercoil on 09.03.2017 and discharged on 23.03.2017. The disability was assessed by the Medical Board, Tirunelveli at 22%.

5. Upon consideration of the said details of the injuries, his functional disability is taken as 22%. This Court deems it fit to grant Rs.6,000/- per percentage of disability. For partial permanent disability, an amount of Rs.1,32,000/- (Rs.6,000/- x 22= Rs.1,32,000/-) is granted.

6. In so far as the avocation of the claimant is concerned, it



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has been stated that the claimant, who is an Ex-service man, was working as a security and was earning a sum of Rs.12,000/- p.m.

The date of accident is 09.03.2017. In consideration of the aforesaid details, his notional income is fixed at Rs.14,000/- p.m. For loss of income during treatment period, an amount of Rs.84,000/- (Rs.14,000/- x 6 months) is granted. As regards other heads, the amount awarded by the Tribunal appears to be reasonable and acceptable and hence, it needs no interference. The compensation awarded by the Tribunal 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 disability	Rs. 88,000/-	Rs. 1,32,000/-	Enhanced
2	For pain and sufferings	Rs. 50,000/-	Rs. 50,000/-	Confirmed
3	For medical expenses	Rs.2,18,868/-	Rs.2,18,868/-	Confirmed
4	For loss of income	Rs. 60,000/-	Rs. 84,000/-	Enhanced
5	For transportation charges	Rs. 10,000/-	Rs. 10,000/-	Confirmed
6	For extra nourishment	Rs. 10,000/-	Rs. 10,000/-	Confirmed
7	For loss of estate	Rs.1,00,000/-	Rs.1,00,000/-	Confirmed
8	For attendant charges	Rs. 10,000/-	Rs. 10,000/-	Confirmed
	Total	Rs.5,46,868/-	Rs.6,14,868/-	Enhanced by Rs.68,000/-



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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.5,46,868/- to Rs.6,14,868/-.

(iii) The second respondent/Insurance Company is directed to deposit the enhanced compensation amount of Rs.6,14,868/- (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.255 of 2017 on the file of Motor Accidents Claims Tribunal, Chief Judicial Magistrate 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 compensation amount with interest, after adjusting the amount, if any already withdrawn by filing necessary application before the Tribunal.



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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.

30.01.2025

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

To

1.The Chief Judicial Magistrate,
The Motor Accidents Claims Tribunal,
Chief Judicial Magistrate 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
C.M.A.(MD) No.629 of 2024

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