

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

CMA No.2653 OF 2014
and M.P.No.1 of 2014

Baja Allianz General Insurance
Company Ltd.,
No.25/26, Prince Towers,
College Road,
Chennai - 600 006.

.. Appellant / 2nd Respondent

vs.

1.M.Madhan

... 1st Respondent / Petitioner

2.V.S.Devananth

... 2nd Respondent/ 1st Respondent

Prayer :- Civil Miscellaneous Appeal filed under Section 173 of M.V. Act 1988 against the judgment and decree dated 23.04.2014 in MCOP No.1815 of 2007 on the file of Motor Accident Claims Tribunal (II Judge, Court of Small Causes), Chennai.

For Appellant : Mr.R.Sreevidhya

For Respondents : Mr.K.Varadha Kamaraj
for R1

JUDGMENT

This appeal has been preferred by the insurance company against the compensation of Rs.5,78,774/- awarded by the tribunal for the injuries sustained by the 1st respondent / claimant in the accident occurred on 21.12.2006.

2. Heard Mrs.R.Sree Vidhya, learned counsel appearing for the appellant and Mr.K.Varadha Kamaraj, learned counsel appearing for the 1st respondent / claimant.

3. The main contention raised by the learned counsel for the appellant is with regard to the amount of Rs.2,96,252/- awarded towards medical expenses incurred by the 1st respondent/claimant for the treatment taken at Singapore amounting to \$ 4736.19 for the injuries sustained in the accident occurred on 21.12.2006.

4. It is seen from the records that the tribunal had awarded a sum of Rs.5,78,774/- as compensation for 35% disability sustained by the 1st respondent/claimant. Towards medical expenses, a sum of Rs.2,96,252/- has been awarded which amount was calculated on the basis of medical bills produced by the 1st respondent/claimant as per Exs.P2 and Ex.P9.

5. Mrs.R.Sree Vidhya, learned counsel appearing for the appellant would submit that only a sum of Rs.1,70,503/- should have been awarded towards medical expenses for Singapore dollar 4736.19 taking into consideration the exchange rate prevailing as on the date of remittance of the amount to the hospital, whereas the tribunal had calculated the same based on the exchange rate prevailing as on the date of judgment, leading to increase in the payment of compensation and hence the same has to be reduced.

6. Mr.K.Varadha Kamaraj, learned counsel appearing for the 1st respondent/claimant, left with no other option has agreed for the same as the value of the Singapore dollar is on record.

Value of medical bill	...	\$ 4736.19
Exch. Rate applicable as on date of payment	...	Rs.36/-
Amount awarded by the tribunal	...	Rs.2,96,252/-
Actual amount to be awarded taking 1\$ = Rs.36/-	...	Rs.1,70,503/-

7. In view of the above, the amount awarded by the tribunal towards medical expenses is hereby reduced to Rs.1,70,503/-. The amounts awarded by the tribunal under other various heads are reasonable and hence they are confirmed. Thus, the award of Rs.5,78,774/- awarded by the tribunal is hereby reduced to Rs.4,53,025/-, rounded off to Rs.4,53,000/-, break-up as follows -

(1) Loss of income for 2 months	...	Rs. 90,174/-
(2) Transportation	...	Rs. 12,348/-
(3) Extra nourishment	...	Rs. 20,000/-
(4) Medical expenses	...	Rs.1,70,503/-
(5) Mental agony	...	Rs. 25,000/-
(6) Loss of amenities of life	...	Rs. 25,000/-
(7) Pain & Sufferings	...	Rs. 40,000/-
(8) For 35% disability	...	Rs. 70,000/-

Total	...	Rs.4,53,025/-
		=====

Rounded off to Rs.4,53,000/-.

The rate of interest awarded by the tribunal @ 7.5% shall remain unaltered.

8. In the result, this Civil Miscellaneous Appeal is partly allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

9. It is represented by the learned counsel appearing for the appellant/insurance company that the entire amount awarded by the tribunal has already been deposited. Hence, the 1st respondent/claimant is permitted to withdraw the amount awarded by this Court alongwith interest and costs, less the amount already withdrawn, if any. The appellant/insurance company is permitted to withdraw the excess amount available in the deposit alongwith proportionate interest.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

rgr

To

1.The II Judge,
Small Causes Court,
Chennai.

2.The Section Officer, V.R.Section, High Court, Madras

1 cc to Mr.K.Varadhakamaraj , Advocate Sr.No.28779

1 cc to Mr.R.Sreevidhya , Advocate Sr.No.28814

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