

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

C.M.A.NO.4073 of 2008

and

M.P.No. 1 of 2008

National Insurance Co. Ltd.,
Branch Manager,
Branch Office,
No.88-F, Bye-Pass Road,
Dharmapuri.

... Appellant/2nd Respondent

Vs.

1.K.Ramachandran1st Respondent/Petitioner

2.Vijay Vidyalaya Metric Higher
Secondary School,

Gandhi Nagar, Dharmapuri. ... 2nd Respondents/1st Respondent
(R2 set exparte in Lower Court)

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act against the judgment and decree in M.C.O.P.No.1887 of 2003, dated 15.02.2006, on the file of the Motor Accidents claims Tribunal, Subordinate Court, Krishnagiri.

For Appellant : Mr.M.B.Raghavan

For Respondents : Mr.V.Kumaravelan for R1
R2-Exparte

सत्यमेव जयते
JUDGMENT

The appeal has been preferred by the Insurance Company against the award of Rs.4,05,000/- for the fracture of nasal bone sustained by the 1st respondent/claimant in the accident occurred on 13.12.2001.

2. Heard Mr.M.B.Raghavan, learned counsel appearing for the appellant and Mr. V.Kumaravelan, learned counsel appearing for the 1st respondent/claimant. The only point to be decided is with regard to the quantum.

3. A perusal of the record would show that the 1st respondent/claimant sustained fracture of nasal bone, fracture of

maxilla and multiple injuries all over the body. He was given first aid in Dharmapuri, Government Hospital and later he was shifted to St.John's Hospital, Bangalore, where he was admitted as an inpatient from 13.12.2001 to 31.12.2001. Surgery was conducted on 24.12.2001. Therefore, based on P.W.2 Doctor's evidence, the Tribunal determined the disability at 30% and awarded a sum of Rs.75,000/-. That apart, the Tribunal awarded a sum of Rs.75,000/- towards injuries. A close scrutiny would show that Rs.75,000/- was awarded towards injuries and another sum of Rs.75,000/- was awarded towards disability, which would amount to double amount. Therefore, Rs.75,000/- awarded towards injuries is hereby deleted. The Tribunal awarded a sum of Rs.75,000/- towards pain and sufferings; Rs.50,000/- towards loss of income; Rs.50,000/- towards medical expenses; Rs.25,000/- towards future medical expenses; Rs.10,000/- towards transportation; Rs.15,000/- towards extra nourishment and a sum of Rs.30,000/- towards future loss of income, which are all reasonable and the same are confirmed. The rate of interest awarded by the Tribunal at 7.5% pa. remains unaltered.

4. This Civil Miscellaneous Appeal is partly allowed by reducing the compensation from 4,05,000/- to Rs.3,30,000/- along with interest at 7.5% p.a. No costs. Consequently, connected miscellaneous petition is closed.

5. It is represented by the learned counsel for the appellant-Insurance Company that they have already been deposited the entire amount. The 1st respondent is permitted to withdraw the entire amount, after adjusting the amount if any already withdrawn. The appellant-Insurance Company is permitted to withdraw the excess amount, which was already deposited by them.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To
The Motor Accident Claims Tribunal,
Subordinate Judge, Krishnagiri.

+1 cc to Mr.N.Vijayaraghavan, Advocate,sR.9549.

rsy(co)
krd 31/3

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