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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

C.M.A.No.8 of 2008

and

M.P.No.1 of 2008

National Insurance Co. Ltd.,
No.165, Nethaji Road,
Manjakuppam, Cuddalore.

.. Appellant/Respondent-II

vs.

1. Mr.Eathayadulla

.. Respondent-I/Petitioner

2. Mr.g.Vijayarangam

.. Respondent-II/Respondent-I

Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the award and decree dated 19.04.2006 passed in M.C.O.P.No.1577 of 2004 on the file of the Motor Accidents Claims Tribunal (First Additional Subordinate Judge), Cuddalore.

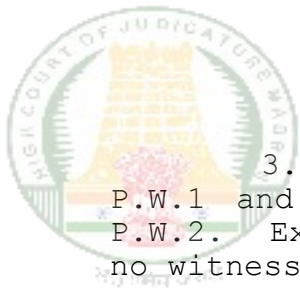
For Appellant : Mr.J.Chandran

For Respondents : No appearance

J U D G M E N T

The National Insurance Co. Ltd. filed the appeal challenging the award dated 19.04.2006 passed in M.C.O.P.No.1577 of 2004 on the file of the Motor Accidents Claims Tribunal (First Additional Subordinate Judge), Cuddalore.

2. It is a case of injury. On 07.06.2004, at about 7.15 p.m., when the claimant was walking from East to West direction in the Chidambaram to Cuddalore Main Road, the vehicle bearing Registration No.TN-31-P-6592 driven by the first respondent came in a rash and negligent manner and hit behind the claimant. As a result, the claimant sustained grievous injuries and multiple fractures all over his body and head. Hence, the claimant has filed a Claim Petition claiming compensation of Rs.5.00 lakhs. According to the claimant, he was earning a sum of Rs.7,500/- per month as commission agent.



3. On the side of the claimant, the claimant was examined as P.W.1 and Dr.Venugopal, who examined the claimant was examined as P.W.2. Exs.P-1 to P-8 were marked. On the side of the respondents, no witness was examined and no document was marked.

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4. The Tribunal, based on the oral and documentary evidence, taking note of the F.I.R and the disability certificate, granted the following compensation with interest at 7.5% per annum:

For Permanent disability: Rs.40,000/-

For Medical Expenses : Rs.10,000/-

For Extra Nutrition : Rs. 5,000/-

For Loss of Income : Rs.40,000/-

For Pain and suffering : Rs.25,000/-

Total : Rs.1,20,000/-

5. The finding of negligence on the part of the driver of the bike, who is responsible for the accident and consequential liability fixed on the appellant to compensate the claimant is not disputed by the learned counsel for the appellant in this appeal and the same is confirmed.

6. On the face of the award, there appears to be no infirmity in the quantum of compensation granted by the Tribunal and the interest also is not excessive as the accident happened in the year 2004 and the Tribunal awarded meagre sum towards extra nutrition and no amount has been awarded towards attender charges and transport charges.

7. Finding no merit, this Civil Miscellaneous Appeal is dismissed. It is stated that the appellant had deposited the entire compensation amount. The claimant is permitted to withdraw the amount lying in deposit along with accrued interests and costs, if any. No costs. Consequently, connected miscellaneous petition is closed.

Sl

Sd/-

Assistant Registrar (CS-VII)

/True Copy/

Sub-Assistant Registrar



To

1. The First Additional Subordinate Judge,
(Motor Accidents Claims, Tribunal,
Cuddalore

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2. The Record Keeper,
V.R. Section,
High Court, Madras.

C.M.A.No.8 of 2008
& M.P.No.1 of 2008

PPA(CO)
sd : 28/12/2015