

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2016

CORAM

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

C.M.A. No.1026 of 2016

Ravichandran

..Appellant/Petitioner

Vs.

1. Mageshwaran

2. The Branch Manager,

The United India Insurance Co. Ltd.,

Neela South Street,

Nagapattinam.

..Respondents/Respondents

Prayer: Civil Miscellaneous Appeal as against the order and decretal order dated 16.06.2015 made in M.A.C.T.O.P. No.01 of 2015 on the file of Motor Accident Claims Tribunal, Chief Judicial Magistrate, Nagapattinam.

For Appellant ::Mr.Saikrishnan for

M/s.Sai Bharathi and Ilan

J U D G M E N T

Not being satisfied with the award passed by the Tribunal, this Civil Miscellaneous Appeal has been preferred by the claimant, challenging the award dated 16.05.2015 made in M.C.O.P No. 01 of 2015 on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate), Nagapattinam.

2. The only point raised by the learned counsel for the appellant is that the appellant/claimant had sustained right knee fracture, injury on the right side forehead and grievous injuries all over the body. Due to which, he was admitted in Government Headquarters Hospital, Nagapattinam, for first-aid and thereafter, admitted in Ansari Private Hospital for further

treatment and then referred to Genga Private Hospital, Coimbatore for treatment as in-patient, where he underwent surgery in his right knee. The injuries have fully affected his normal avocation and he cannot do his normal work as before the accident. During the treatment, he has applied leave for three months and the documentary evidence, vide Ex.P3 would reveal that he was hospitalised and got discharged. Hence, the learned counsel for the appellant/claimant prayed for enhancement of the compensation awarded by the Tribunal.

3.The prime contention of the appellant/claimant is that the Tribunal has awarded inadequate compensation under the head Loss of income. Considering the 52% disability assessed by PW2-Doctor, the Tribunal by fixing Rs.500/- per day, had granted Rs.8,000/- under the head 'loss of income'. Admittedly, the appellant/claimant who was working as Scavenger availed leave for a period of three months during the period of treatment and his employer is the Executive Officer, Velankanni Town Panchayat. The Tribunal taking note of the injuries sustained by the appellant/claimant and the discharge summary including medical expenses had granted the compensation under the head 'loss of income' at Rs.8,000/- and this Court finds the same just and reasonable.

4. The Tribunal has taken note of the fact that the injured sustained injuries and underwent surgery and he would have suffered a lot and he cannot do his normal work as before. Considering all these aspects, the Tribunal has rightly awarded the compensation at Rs.3,95,000/- which cannot be found fault with. Hence this Court finds no reason to interfere with the compensation awarded by the Tribunal and hence the appeal is dismissed. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

The Chief Judicial Magistrate,
Motor Accident Claims Tribunal,
Nagapattinam.

C.M.A. No.1026 of 2016

rsk[co]

srg 27/06/2016