

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

C.M.A. No.1413 of 2014

M/s.National Insurance Co. Ltd.,
Neyveli, Cuddalore District. ... Appellant/Respondent II

Versus

1.Ramesh Respondent I/Petitioner

2.Mohanakannan Respondent II/Respondent I

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 17.09.2013 made in M.C.O.P.No.7/2012 on the file of the Motor Accidents Claims Tribunal, (Principal District Judge), Ariyalur District.

For Appellant : Mr.J.Chandran

For Respondents : Mr.R.Ranganatha Naidu for R1
No appearance for R2

J U D G M E N T

The appeal has been filed by the Insurance Company, challenging the impugned award dated 17.09.2013 made in M.C.O.P.No.7/2012 on the file of the Motor Accidents Claims Tribunal, (Principal District Judge), Ariyalur District.

2.According to the claimant, on 31.12.2010 at about 7.00 p.m., when one Anbazhagan riding a splendor motor cycle bearing Registration No.TN 51 P4135 from Guruvalapparkoil to Edaikkattu Road and the claimant was travelling as a pillion rider, the rider of the motor cycle drove the same in a rash and negligent manner and dashed against the tyre-cart. Due to the accident, the claimant has got fractures on his right shoulder, left leg knee, face, head and all over his body. Immediately, the claimant was taken to Government Hospital, Jayankondam for first aid treatment and later he was taken to Sugam Hospital, Kumbakonam as in-patient. According to the claimant, the accident had occurred due to the rash and negligent driving made by the rider of the two-wheeler.

3.It is seen that the learned Tribunal, considering all the above said injuries sustained by the claimant, Ex.P2/Accident Register, Ex.P3/Discharge summary issued by

Sugam Multi-speciality Hospital and Ex.P4/Medical Bills, which show that the claimant had been hospitalised at Jeyamkondam and Kumbakonam Hospitals and considering the evidence adduced by P.W.2/ Doctor Kanmani, who has issued the disability certificate, certifying the disability at 32% and stated that the claimant finds difficulty in lifting the heavy objects, has fixed general compensation at Rs.64,000/- by fixing per percentage of disability at Rs.2,000/-. It has also awarded Rs.3,000/- towards pain and sufferings, Rs.3,000/- towards nourishment, Rs.3,000/- towards transport expenses, Rs.1,339/- towards medical bills and the total compensation comes to the tune of Rs.74,399/- and hence, the total compensation is rounded at Rs.75,000/-.

4.Now in view of the consent given by both the appellant/ Insurance Company and the first respondent/claimant agreeing to pay/receive the following compensation, the civil miscellaneous appeal is disposed of for an award of Rs.64,339/-, and the same is rounded to Rs.65,000/- payable with interest at the rate of 6% per annum, under the following heads, instead of Rs.75,000/- ordered by the Tribunal.

Compensation for permanent Disability (32x2000/- per percentage)	Rs.54,000/-
Pain and suffering	Rs. 3,000/-
Nutrition expenses	Rs. 3,000/-
Transport expenses	Rs. 3,000/-
Medical bills	Rs. 1,339/-

Total	Rs.64,339/-

	rounded to Rs.65,000/-

5.Accordingly, the Insurance Company is hereby directed to deposit Rs.65,000/- with interest at the rate of 6% per annum from the date of receipt of a copy of this order, if they have not deposited till date. On such deposit, the claimant is permitted to withdraw the said amount, by moving appropriate application before the Tribunal.

6.It is made clear that if the entire award amount as ordered by the learned Tribunal, has already been deposited by the Insurance Company, they are entitled to withdraw the balance amount, if any. No costs. Consequently, connected C.M.P. is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

The Motor Accidents Claims Tribunal,
(Principal District Judge),
Ariyalur District.

C.M.A.No.1413 of 2014

CNR (CO)
CA (03/01/2017)



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