

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

Civil Miscellaneous Appeal No.2492 of 2016
and C.M.P.No.17621 of 2016

The Divisional Manager,
Cholamandalam MS General
Insurance Company Limited,
Chennai Appellant / 2nd Respondent

..Vs..

1. Kareem @ Abdul Kareem @ Kareem Basha
....1st Respondent/ Claimant
2. Daiveegan2nd Respondent/ I Respondent

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree, dated 16.10.2015, passed in MCOP No.330 of 2013 on the file of the Motor Accident Claims Tribunal, Special Subordinate Court, Thiruvannamalai.

For Appellant : Mr. N.Vijayaraghavan

J U D G M E N T

Claiming a sum of Rs.5,00,000/- as compensation, the petitioner in MCOP No.330 of 2013 has filed a Claim Petition before the Motor Accident Claims Tribunal, Special Subordinate Court, Thiruvannamalai. It was his case that he was earning a sum of Rs.15,000/- per month by doing business.

2. The Tribunal, on a consideration of the materials available on record, has awarded a sum of Rs.50,000/- towards permanent disablement, Rs.3,000/- towards transport Expenses, Rs.25,000/- towards pain and sufferings and the total award was Rs.78,000/-.

3. The Tribunal has relied upon Ex.P-9, a copy of the accident register extract, from which, it was evident that the petitioner has suffered abrasion at left arm, multiple abrasions at right hand and contusion at right leg.

3.1. The Orthopedics Medical Officer has issued a Medical Certificate under which the disablement was 25%. The Doctor has found restrictions in the movement of the right fore-foot as

well as deformity in the right forefoot. There was limping while walking. Finding no other reason to reject the evidence of P.W.4, the Doctor, the disability has been assessed and compensation has been fixed at Rs.50,000/-. Except awarding, Rs.3,000/- towards transport Expenses and Rs.25,000/- towards pain and sufferings, the claim under remaining heads in respect of permanent disablement has not been awarded.

4. Therefore, the compensation, as fixed by the Tribunal, does not require any interference and the appeal filed challenging the quantum of compensation as exorbitant shall stand dismissed.

5. In the result, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the connected CMP is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

srk

To

Motor Accident Claims Tribunal,
Special Subordinate Court, Thiruvannamalai.

C.M.A.No.2492 of 2016

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