

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:- 12.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

C.M.A.No.30 of 2016

Narayanan

...Appellant/Petitioner

Versus

1.T.Harikrishnan

2.The Manager,

M/s.United India Insurance Company Ltd.,

G.G.Complex, 42, Anna Salai,

Chennai 2.

...Respondents/Respondents

Prayer: Civil Miscellaneous Appeal filed under section 173 of the Motor Vehicles Act, 1988 against the award and decree dated 15.07.2010 made in M.C.O.P.No.26 of 2009 on the file of the Motor Accident Claim Tribunal, (Chief Judicial Magistrate), Thiruvallur.

For Appellant :: Mr.D.Baskar

For Respondents :: Mr.Srinivasan Ramalingam

J U D G M E N T

This civil miscellaneous appeal has been filed seeking higher compensation against the award dated 15.07.2010 made in M.C.O.P.No.26 of 2009 passed by the Motor Accident Claim Tribunal, Chief Judicial Magistrate, Thiruvallur, awarding a sum of Rs.80,000/- as against the claim of Rs.3,00,000/-.

2.The learned Tribunal, after considering the fact that Ex.P6 being the Wound Certificate discloses the fracture of left ankle, again referred to Discharge Summary issued by Soundarapandian Bone and Joint hospital, however finding that the claimant has failed to produce the medical bills to show that the treatment was given at bone and joint hospital, has come forward to award a sum of Rs.80,000/- as compensation. As against that when the claimant comes up before

this court for enhancement, this court is not in a position to appreciate the grievance of the appellant for enhancement of compensation for the sole reason that the claimant has miserably failed to produce the medical bills. No reason has also been cited before the learned Tribunal as to how the medical bills were lost or how it could not be produced before the learned Tribunal. In the absence of any such reasons, it is highly miserable to decide for further enhancement of compensation by this court. Therefore, this court is not inclined to entertain this civil miscellaneous appeal. Accordingly, the same is dismissed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To
The Motor Accident Claim Tribunal,
Chief Judicial Magistrate, Thiruvallur.

+1 cc to Mr.Srinivasan Ramalingam, Advocate, sr.2163

CMA No.30 of 2016

gj co
kra 08.02.2016

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