

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 07.06.2016

CORAM

THE HONOURABLE MR.JUSTICE T. MATHIVANAN

C.M.A.No.3750 of 2011

and

M.P.No.1 of 2011

M/s.United India Insurance Co.Ltd.,
No.1090, Poonamallee High Road,
Chennai - 600 084.Appellant/Respondent

...vs....

1.KuppanR1/Petitioner

2.G.Dhanapal

(R2 set exparte in the lower Court)

...Respondents No.2/Respondent No.1

Prayer: Civil Miscellaneous Appeal is filed against the judgment and decree dated 07.07.2011 made in M.C.O.P.No.4187 of 2008 on the file of the Motor Accident Claims Tribunal (V Judge, Court of Small Causes) at Chennai.

For Appellant : Mr.R.Ravichandran

For R1 : Mr.N.Kamaraj

For R2 : set exparte in the lower Court

JUDGMENT

Questioning the quantum of compensation, this appeal is filed by the appellant/Insurance Company under Section 173 of Motor Vehicle Act, 1988.

2. In sofaras, the appeal in C.M.A.No.3750 of 2011 is concerned, the first respondent/claimant was working as a Driver and earning a sum of Rs.4,500/-. However, the Tribunal had fixed his monthly income at Rs.4,000/- As per the claimant's statement, he was treated as in-patient for only one day. However, based on the documentary evidences under Exs. P10,12,13 and 14 and other related records issued by JSP Hospitals (P) Ltd, Chengalpattu, this Court finds that the first respondent/claimant was treated as in-patient from 31.07.2007 to

13.08.2007. Therefore, the loss of earning for two months was determined at Rs.8,000/-. Besides this, the following compensation was also awarded under the heads enumerated as under:-

Towards loss of earning	Rs. 8,000/-
Towards Transportation	Rs. 1,500/-
Towards extra-nourishment	Rs. 4,000/-
Towards damages to clothes	Rs. 1,000/-
Towards medical expenses	Rs. 30,000/-
Towards attender charges	Rs. 3,000/-
Towards pain and sufferings	Rs. 5,000/-
Towards permanent disability	Rs. 20,000/-

Total	Rs. 72,500/-

3. On perusal of the award and on considering the submissions made by the learned counsel for both sides, this Court finds that the Tribunal had passed a reasonable award which does not require the interference of this Court. Hence, this appeal is dismissed and the award of the Tribunal is confirmed. The appellant/Insurance Company is directed to deposit the award amount of Rs.72,500/- with interest at the rate of 7.5% per annum from the date of claim petition within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, the claimant is entitled to withdraw the entire award amount along with accrued interest and costs without filing any formal petition, seeking permission. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS II)

सत्यमेव जयते

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Sub Assistant Registrar

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To

1.The Motor Accident Claims Tribunal,
(V Judge, Court of Small Causes)
Chennai.

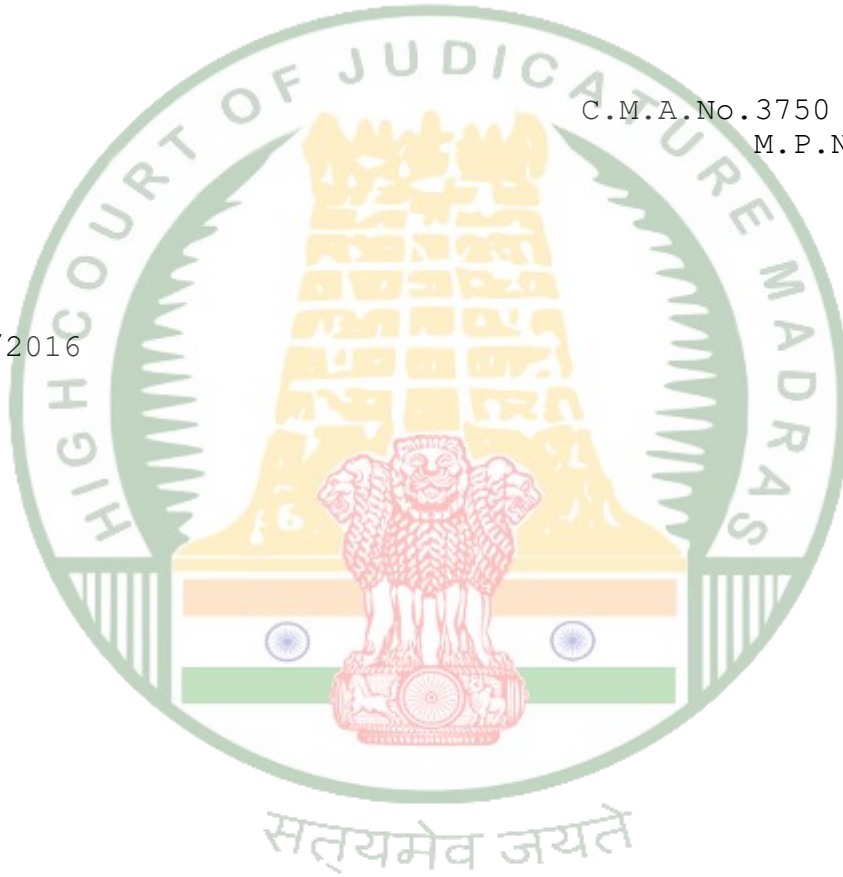
2.The United India Insurance Co.Ltd.,
No.1090, Poonamallee High Road,
Chennai - 600 084.

3.The Section Officer,
VR Section,
High Court,
Madras-104.

+1cc to M/S.N.Kamaraj, Advocate Sr.30319

C.M.A.No.3750 of 2011 and
M.P.No.1 of 2011

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srg 14/11/2016



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