

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2016

CORAM:

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

CMA.No.3841 of 2011

S.Rajkumar

.. appellant/petitiner

Vs

1.Prabhu Kumar
2.The United India Insurance Co.Ltd.,
No.38, Anna Salai,
Chennai-2.
(The Ist Respondent Exparte in Lower court)

.. Respondents/Respondents

PRAYER: Appeal is filed under Section 173 of the Motor Vehicles Act, against the judgment and decree passed by the Motor Accident Claims Tribunal (V Court of Small Causes)chennai in MCOP.No.4195 of 2006 dated 08.07.2011.

For Appellant : Mr.K.Kannan.
For respondents : R1 - Exparte.
Mr.G.Udayasankar for R2.

JUDGMENT

Heard both sides.

2.The learned counsel for the appellant mainly contended that the there is no award has been passed under the head loss of earning capacity. It is also contended that the PW2/Doctor in his evidence has stated that 50% disability and there is a chance to fell down since the strength of the leg might have reduced due to the injuries sustained by the claimant.

3.The learned counsel for the insurance company submitted that the said award amount along with interest has already been deposited before the Tribunal. Considering the submissions made on both sides, this Court is inclined to award a sum of Rs.10,000/- under the head loss of earning capacity, with interest at 7.5%p.a. from the date of filing of the claim petition.

4.In the result, the civil miscellaneous appeal is partly allowed and Rs.10,000/- awarded for loss of earning capacity with interest from the date of claim petition and the award passed by the Tribunal remains unaltered in other respects. No costs.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

To

The Motor Accident Claims Tribunal
(VSmall causes Court), Chennai.

+1 cc to Mr.K.Kannan, Advocate SR.NO..60913/16

co(ca)
cp29/12/2016

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