

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.06.2016

CORAM

THE HON'BLE MR. JUSTICE T.MATHIVANAN

C.M.A.No.3354 of 2009

V.Ramalingam

... Appellant/Petitioner

Vs.

1. M/s. Solo Systems & Solution
Rep. by its Partner
S.Shanmuga Sundaram
S/o. M.Subramanian
S4, Sri Devi Apartments
46 & 46, Dr.Radhakrishnan Salai
Valasrawakkam, Chennai - 87.
2. The New India Assurance Co., Ltd.,
372, Old No.232, TTK Road
Alwarpet, Chennai -18. ... Respondents/Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 for enhancement of the compensation amount awarded in the Judgement and Decree dated 30.01.2009 made in M.C.O.P.No. 3073 of 2004 on the file of the Motor Accident Claims Tribunal III Court of Small Causes, Chennai.

For Appellant : Mr.N.Manokaran

For Respondents: No appearance

JUDGMENT

Claiming enhancement of compensation, the appellant herein, who is the claimant in the claim petition in M.C.O.P.No. 3073 of 2004, stands before this Court with this Appeal.

2. Heard Mr.N.Manokaran, learned counsel appearing for the appellant/claimant. Despite service of notice, the respondents 1 and 2 have never chosen to appear either in person or through their counsel and hence, they are called absent.

3. Claiming a sum of Rs.2,50,000/- for the injuries sustained by him in a road traffic accident said to have been taken place on 15.05.2004, the appellant/claimant had moved the Claims Tribunal, Chennai, with a claim petition.

4. The second respondent alone has contested the claim of the appellant, based on the evidences both oral and documentary, the Claims Tribunal has proceeded to award a total amount of Rs.1,45,234/- towards the compensation under the following heads:-

(i) Medical expenses	:	Rs.25,234/-
(ii) Permanent disability of 25% (Rs.2,000/- per 1%:	:	Rs.50,000/-
(iii) pain and suffering	:	Rs.24,000/-
(iv) Loss of Amenities	:	Rs.10,000/-
(v) Loss of Expectation of life	:	Rs.10,000/-
(vi) Loss of Earning	:	Rs.20,000/-
(vii) Transportation	:	Rs. 2,000/-
(viii) Extra Nourishment	:	Rs. 2,000/-
(ix) damages for cloth	:	Rs. 1,000/-
(x) other expenses	:	Rs. 1,000/-
Total		Rs.1,45,234/-

5. Mr.N.Manokaran, learned counsel for the petitioner has articulated his arguments only on the question that the lesser award was passed by the Tribunal. He submitted that though Exs. P-10 and P-11 with regard to the loss of vision to the extent of 20% and the disability with reference to neurology problem as demonstrated under Ex.P-11, the Tribunal had lost sight and the rejection of Exs. P-10 and 11 unwarranted and disproportionate in nature and therefore the Tribunal ought to have considered Exs. P-10 and P-11 and awarded compensation proportionately to the extent of the disability specified therein. Apart from this, he has also submitted that the compensation awarded at the rate of Rs.2,000/- per 1% to the extent 25% of disability is absolutely disproportionate and has urged this Court to enhance the compensation with regard to permanent disability under Ex.P-12.

6. This Court has carefully considered the submissions made by Mr.N.Manokaran and of the view that the Tribunal has correctly appreciated the evidence and rejected Exs.P-10 and P-11, which does not require the interference of this Court.

7. Keeping in view of the above, this Court finds that the Tribunal has awarded the above said amount of Rs.1,45,234/- against the total claim of Rs.2,50,000/- directing the second

respondent to pay the amount to the claimant with interest at 9.5 % p.a. Hence, this Court finds the award passed by the Court below is liable to be confirmed and the appeal is deserves to be dismissed.

8. Accordingly, the Appeal is dismissed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

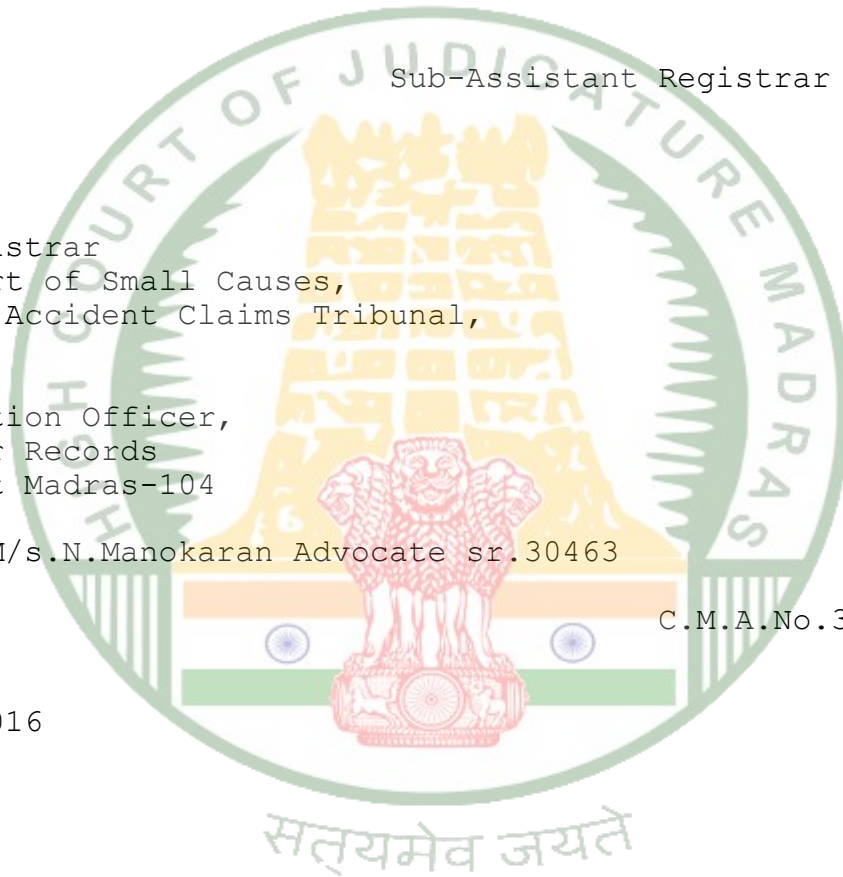
1.The Registrar
IIIrd Court of Small Causes,
The Motor Accident Claims Tribunal,
Chennai.

2.The Section Officer,
Vernacular Records
High Court Madras-104

+1 cc to M/s.N.Manokaran Advocate sr.30463

C.M.A.No.3354 of 2009

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