

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2016

CORAM

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

C.M.A.No.1289 of 2001

S.Palani

.. Appellant/Claimant

.. Vs ..

1. M/s. Binny Limited.,
Bank C Textiles Division,
Chennai - 600 012.
2. The National Insurance Company Ltd.,
66, Greams Road,
Chennai - 6.
3. M/s. M.V.R.Industries Exports,
781, Anna Salai, Chennai - 2.
4. The Oriental Insurance Company Ltd.,
8, Esplanade, Chennai - 108.
(Respondents 3 and 4 are given up)

.. Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act 1988, against the judgment and decree dated 20.12.2000 made in M.A.C.T.O.P.No.3538 of 1997 on the file of the Motor Accidents Claims Tribunal, (V Judge, Small Causes Court), Chennai.

For Appellant : Mr.S.Rathinamani
For R-1 : Served.
For R-2 : Mr.S.Arunkumar
For RR-3 & 4 : Not ready in notice

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JUDGMENT

This civil miscellaneous appeal is directed against the judgment and decree dated 20.12.2000 made in M.A.C.T.O.P.No.3538 of 1997 on the file of the Motor Accidents Claims Tribunal, (V Judge), Small Causes Court, Chennai.

2. The facts of the case are as follows:-

On 22.10.1996 at about 18.45 hours, when the claimant was riding his motor cycle bearing Registration No.TN-01-F-4165 from East to West direction in 10th Avenue, Ashok Nagar, a car bearing Registration No.TN-02-Z-7008, which was driven by its driver in a rash and negligent manner, came from opposite direction on the same road and dashed against the claimant's vehicle and as a result of which, the claimant sustained grievous injuries. Claiming a sum of Rs.2,50,000/- the claimant had filed a petition for compensation. The Tribunal, after considering the evidence adduced

by both parties, finally awarded a sum of Rs.86,000/- towards compensation along with interest at 12% per annum from the date of petition till the date of deposit. Aggrieved against the said award passed by the Tribunal, the present appeal is preferred by the appellant/claimant.

3. The learned counsel for the appellant/claimant would mainly contend that the Tribunal, without considering the evidence adduced on the side of the claimant, erroneously awarded lessor compensation of Rs.86,000/- and the Tribunal ought to have awarded Rs.36,000/- under the head of loss of earnings and hence, the award passed by the Tribunal has to be set aside and the appeal has to be allowed.

4. The learned counsel appearing for the second respondent/National Insurance Company would contend that the Tribunal, after appreciating the entire records, appropriately awarded compensation and there is no error or illegality or infirmity in the award passed by the Tribunal and hence, he prayed that the award passed by the Tribunal has to be confirmed and the appeal has to be dismissed.

5. This Court heard the submissions made by the learned counsel for the appellant and the learned counsel for the second respondent and perused the entire records.

6. On reading of the judgment of the Tribunal, it is seen that the Tribunal, after considering the oral and documentary evidence adduced on either side, awarded appropriate compensation under the following heads:

Loss of income	-	Rs.18,000/-
Transport to hospital	-	Rs. 1,000/-
Extra nourishment	-	Rs. 500/-
Medical expenses	-	Rs. 1,500/-
Pain and sufferings	-	Rs.15,000/-
Permanent disability	-	Rs.40,000/-
Loss of earning power	-	Rs.10,000/-
		Rs.86,000/-

7. Considering the facts and circumstances of the case, the Tribunal, awarded just and appropriate compensation to the appellant/claimant and hence, the civil miscellaneous appeal deserves to be dismissed.

8. In the result, the civil miscellaneous appeal is dismissed by confirming the award passed by the learned V Judge, Small Causes Court, Chennai, in M.A.C.T.O.P.No.3538 of 1997. No costs.

15.11.2016

Internet : Yes
Jrl

To

1. The V Judge,
Small Causes Court,
The Motor Accidents Claims Tribunal,
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G.CHOCKALINGAM, J.

Jrl

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