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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM

C.M.A.(MD)No.336 of 2016

and

CMP(MD)No.4691 of 2016

The Branch Manager,
Reliance General Insurance Company Ltd.,
Tirunelveli. ... Appellant/ 2nd Respondent

Vs.

1. M.Gajendran ... 1st Respondent / Petitioner
2. K.Subramanian ... 2nd Respondent/ 1st Respondent

PRAYER: Petition filed under Section 173 of Motor Vehicles Act, 1988, praying to set aside the Judgment and Decree dated 02.06.2015, passed in M.C.O.P.No.405 of 2014 on the file of the learned Special Sub Judge, Motor Accident Claims Tribunal, Tirunelveli, and to allow the present Civil Miscellaneous Appeal.

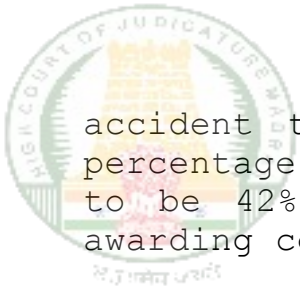
For Petitioner : Mr. K.Gokul

JUDGMENT

The appeal challenges the Judgment and Decree dated 02.06.2015, passed in M.C.O.P.No.405 of 2014 by the learned Special Sub Judge, Motor Accident Claims Tribunal, Tirunelveli.

2. Heard the learned counsel for the appellant.

3. The main contention of the counsel for the appellant is that, the claim of an accident, having taken place on 22.02.2014 at 9.50 a.m., near Murugankuruchi Canara Bank ATM Centre, involving of Motorcycle insured by it was false. The Tribunal had reasoned that the owner of the vehicle insured by the appellant, who had been examined as R.W.1 had himself admitted the accident. His claim of the accident, having been not occasioned owing to rashness and negligence on his part, had been rejected. In the



accident the respondent had suffered grievous injuries and the percentage of the disability suffered by the respondent, was found to be 42%. A Just and reasonable approach has been taken in awarding compensation, under the following heads.

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Permanent Disability	: Rs.1,26,000/-
Loss of income	: Rs. 13,500/-
Transport and Nutrition	: Rs. 15,000/-
Pain and suffering	: Rs. 20,000/-
Loss of faculty	: Rs. 50,000/-
Future Medical expenses	: Rs. 75,000/-
Medical Expenses incurred	: Rs.1,39,365/-
	
	Rs.4,38,865/-
	

4. Finding no reason to interfere with the order of the Tribunal, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (P&A)

/True copy/

Sub Assistant Registrar

To

The Special Subordinate Judge,
Motor Accident Claims Tribunal,
Tirunelveli,

+ 1 CC TO MR.K.GOKUL, ADVOCATE IN SR No. 25360

PMU/AM

TE/PEK/ : 27/06/2016 : 2P/3C

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