



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2016

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

CMA(MD)No.522 of 2015

The Divisional Manager,
M/s.United India Insurance Company Limited,
Bharathiar Salai,
Contonment,
Trichy.

... Appellant/2nd Respondent

vs.

1)Monika
2)S.Sekar

...1st Respondent/Petitioner
...2nd Respondent/1st Respondent

Appeal filed under Section 173 of the Motor Vehicles Act 1988, against the judgment and decree dated 15.07.2014 passed in MCOP.No.234 of 2010 on the file of the Motor Accident Claims Tribunal, (III Additional Sub Judge), Trichy.

For Appellant : Mr.A.S.Mathialagan

For 1st Respondent: Mr.C.Padmaraj

JUDGMENT

It is the case of an injury caused due to the accident took place on 27.09.2009 about 09.45 a.m on Karur - Velur Main Road near Maris Tailoring Shop, Vengamedu. The injured victim filed an application in M.C.O.P.No.234 of 2010 before the Motor Accident Claims Tribunal, III Additional Sub Judge, Trichy, and the Tribunal considering the facts and circumstances of the case, awarded Rs.7,51,619/- as total compensation with interest at 7.5% per annum. Challenging the same, the Insurance Company has filed this Civil Miscellaneous Appeal.

2.The learned counsel for the appellant contended that the quantum of compensation awarded by the Tribunal is excessive, especially the compensation of Rs.1,00,000/- granted towards transplantation of organs, Rs.2,00,000/- granted towards loss of marital prospects and Rs.50,000/- towards loss of height on the leg are excessive.

3.The learned counsel appearing for the 1st respondent/claimant would oppose the contention of the learned counsel appearing for



the appellant by stating that the first respondent/claimant was 17 years at the time of accident and she was a girl studying 12th standard. Further, the accident affected her future marital life and now she is aged about 25 years and has not got married.

4. Considering the pathetic situation of a woman, this Court is not inclined to alter the award in respect of Rs.2,00,000/- granted towards loss of marital prospects and Rs.50,000/- granted towards correction of height of leg, but this Court is not inclined to accept the compensation of Rs.1,00,000/- awarded under the head of transplantation of organ. This award of compensation has no relevance in the present case. It is not medically proved that transplantation is required for the 1st respondent/claimant. Such being the factual position, this Court reduces the quantum of compensation awarded at Rs.1,00,000/- under the above head. Accordingly, the total compensation of Rs.7,51,619/- awarded by the Tribunal is reduced to Rs.6,51,619/-.

5. Accordingly, the Civil Miscellaneous Appeal is partly allowed and the award of the Tribunal is reduced to Rs.6,51,619/- from Rs.7,51,619/-. The appellant insurance company is directed to deposit the modified compensation now determined by this Court with proportionate accrued interest and costs, to the credit of the claim petition, within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit, the I respondent/claimant, is permitted to withdraw the same, through RTGS, by filing necessary applications before the Tribunal. In all other respects the award of the Tribunal is confirmed. No costs.

Sd/

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar.

To
The III Additional Sub Judge,
Motor Accident Claims Tribunal,
Trichy.

Copy to:

The Section Officer,
V.R.Section, Madurai Bench of Madras High court,
Madurai.

+1CC to M/S.A.S.Mathialagan, Advocate, SR.No. 72743

+1CC to M/S.C.Padmaraj, Advocate, SR.No. 72813

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