

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 06.03.2017

CORAM:

THE HON'BLE MR. JUSTICE S. MANIKUMAR
AND
THE HON'BLE MR. JUSTICE M.GOVINDARAJ

C.M.A. No.1110 of 2015

T.Alexander ... Appellant/Petitioner

Vs.

1.D.Suresh(set exparte in the Tribunal)
2.Bharti Axa General Insurance Co. Ltd.,
2nd Floor, Metro Plaza
No.162, Anna Salai
Chennai 600 002 ...Respondents/Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree, dated 27.10.2014 made in M.A.C.T.O.P. No.4430/2013, on the file of Motor Accidents Claims Tribunal (II Judge, Small Causes Court), Chennai.

For Appellants : Ms.P.T.Salim Fathima
For Respondents : No Appearance

JUDGMENT

(Made by S.MANIKUMAR, J.)

Not satisfied with the quantum of compensation of Rs.7,11,000/- with interest @ 7.5% per annum from the date of claim till deposit and costs, awarded in M.C.O.P.No.4430/2013 dated 27.10.2014 on the file of the Motor Accident Claims Tribunal (II Judge, Court of Small Causes), Chennai, injured, has filed the instant appeal. The Tribunal has quantified the said sum, as hereunder:

Loss of income for 6 months	: Rs.	60,000/-
Transportation	: Rs.	15,000/-
Extra nourishment	: Rs.	15,000/-
Damage to clothes	: Rs.	1,000/-
Medical expenses	: Rs.	25,000/-
Mental agony to the petitioner	: Rs.	25,000/-
Loss of amenities of life	: Rs.	20,000/-
Pain and suffering	: Rs.	40,000/-
Continuing disability and loss of earning power		

Rs.10,000 x 12 x 17 x 25% = : Rs. 5,10,000/-

Total Compensation is fixed at : Rs. 7,11,000/-

2. Civil Miscellaneous Appeal has been admitted on 16.06.2015. Before the Tribunal, 1st respondent has remained ex-parte. Though the second respondent has been served privately on 17.08.2015, there is no appearance either in person or through a pleader. Hence we heard the learned counsel for the appellant and perused the materials available on record.

3. The only grievance of the injured/claimant is that the Motor Accident Claims Tribunal (II Judge, Court of Small Causes), Chennai has not awarded any compensation towards loss of marriage prospects, to the injured/claimant. From the evidence of PW1/injured, it could be seen that, at the time of accident, the injured was 26 years old; that he was running a orchestra and dance troop; that he had suffered fracture of left shaft of femur in the said accident, and that he underwent a surgery for the same. PW2-doctor has deposed that the injured/claimant would not be able to do his job of dancing as before. PW2 has assessed the disability at 30% as partial permanent. Since the injured has suffered partial disablement, the Tribunal has awarded Rs.20,000/- towards loss of amenities. Since it is a partial disablement, in our considered view, it would not affect the marriage prospects of the injured/claimant and hence we are not inclined to award any separate amount under the said head.

Accordingly, the civil miscellaneous appeal is dismissed. No costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

The II Judge Motor Accident Claims Tribunal
Small Causes Court), Chennai.

+1cc to M/S. M. Swamikkannu, Advocate Sr. 14795

C.M.A.No.1110 of 2015

ALA (CO)

VR(03/04/2017)