

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 26.07.2017
CORAM

THE HONOURABLE Dr.JUSTICE S.VIMALA

C.M.A.No.2229 of 2017
and
CMP No.11816 of 2017

New India Assurance Company Ltd,
Divisional Office, No-1, Officers line,
CSI Building, Vellore-1.

.... Appellant

Vs.

1. B.Murthy
2. M.Sampath Kumar
(The 2nd respondent herein remained
Exparte before lower Court, hence notice
to him may be dispensed with)

.... Respondents

Prayer: Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act, 1988 to set aside the judgment and decree passed in MACTOP No.468 of 2007, dated 16.06.2008, on the file of the Motor Accident Claims Tribunal, (Additional District & Sessions Judge, Fast Track Court), Vellore.

For Appellant : Mr.S.Jayasankar

J U D G M E N T

This appeal has been filed by the Insurance Company, challenging the quantum of Compensation awarded to the injured. The Claimant B.Murthy aged about 30 years, earning a sum of Rs.6,000/-, who met with an accident on 18.06.2005, filed the claim petition for compensation claiming a sum of Rs.5,00,000/-. As against which an award has been passed for a sum of Rs.63,000/-

2. The break up details of the awarded passed are as under:-

Loss of income	-	Rs. 20,000/-
Transport expenses	-	Rs. 8,000/-
Extra nourishment and medical expenses	-	Rs. 15,000/-
pain and sufferings	-	Rs. 10,000/-
for injury	-	Rs. 10,000/-

Total	-	Rs.63,000/-

3. The quantum of compensation is under challenge by the Insurance company.

4. The main contention of the learned counsel for the appellant is that the award passed under each and every head by the Tribunal in respect of simple injury sustained is unsustainable and un-warranted.

5. A perusal of award passed by the claims Tribunal would go show the heads of claim under which the compensation has been awarded. The award passed was on account of loss income, pain and sufferings extra nourishment, medical expenses are consequential to the injury sustained which cannot be said to be unwarranted and unsustainable.

6. Even assuming that the award passed by the claims Tribunal under various heads is likely excessive for the year 2008, but now after the expiry of nine years, the amount that is going to be paid in the year 2017 were there is escalation in the price of commodities, the award is not excessive.

7. In the result, the Civil Miscellaneous Appeal is dismissed. Consequently the connected Miscellaneous petition is closed. No costs.

8. The Appellant / Insurance Company is directed to deposit the entire award amount, along with interest and costs as determined by the claims Tribunal, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this judgement. On such deposit being made, the Tribunal is directed to transfer the award amount directly to the bank account of the claimant through RTGS within a period of two weeks thereafter.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

kv/vsi2

To

1. The (Additional District & Sessions Judge,
Fast Track Court), Vellore.

+1 cc to M/s.S.Jayasankar Advocate sr 53256

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