

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

C.M.A. No. 2407 of 2017

Yuvaraj ... Appellant/Petitioner

Vs

1.J. Roseline

2.The United India Insurance Company Ltd.,
Third Party Claims,
T.K.M. Complex, Katpadi Road,
Vellore ... Respondents/Respondents

Civil Miscellaneous petition is filed under Section 173 of Motor Vehicles Act 1988 against the Decree and Judgment dated 04.04.2017 made in M.C.O.P.No.306 of 2015 on the file of the Motor Accident Claims Tribunal, Subordinate Court, Ranipet, Vellore District.

For Petitioner : Mr.C. Prabakaran

JUDGMENT

The appeal has been preferred by the injured against the award of Rs.1,01,000/- for the injuries sustained by him in the accident occurred on 09.07.2015, when he was riding his two wheeler from Chittoor to Chennai on National Highway, he was hit down by the car travelling in the opposite direction, driven in a rash and negligent manner. Therefore, the injured filed the claim petition. On contest, the Tribunal found that the driver was negligent and awarded a sum of Rs.1,01,000/-. The said award has been challenged before this Court by the injured on the question of quantum.

2. Heard, Mr.C.Prabakaran, learned counsel appearing for the appellant. The claimant sustained fracture of left clavicle and injuries near left eye, below the right leg knee. PW2/Doctor deposed that the claimant sustained 30% disability, as per Ex.P7, Disability certificate. However, the Tribunal found that there is no enough medical proof to prove 30% disability and

hence, reduced the disability to 20% and awarded Rs.3,000/- per percentage and other amounts awarded under different heads are also reasonable. Therefore, the contention of the claimant's counsel that 30% disability should be taken into consideration for awarding compensation is rejected and Tribunal's award of Rs.1,01,000/- to the appellant is confirmed. Therefore, this appeal fails and stands dismissed. No costs.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

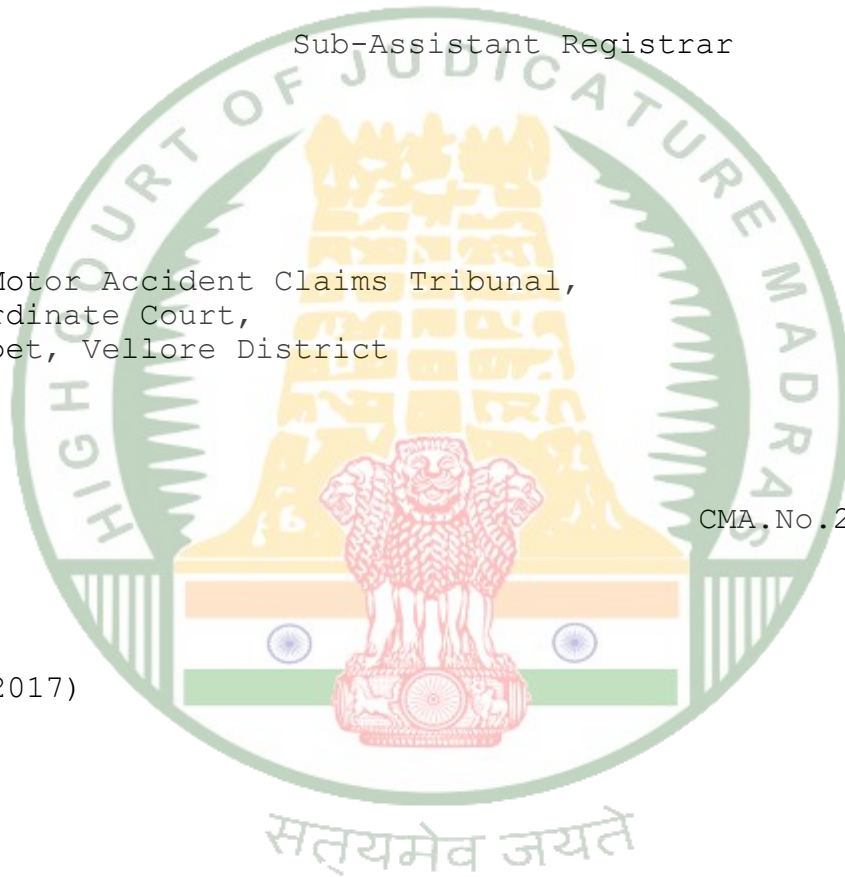
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To

The Motor Accident Claims Tribunal,
Subordinate Court,
Ranipet, Vellore District

CMA.No.2407 of 2017

RSK(CO)
sp(18/09/2017)



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