

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 03.02.2017

CORAM: THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

C.M.A.Nos.2824 & 2825 of 2007
and
M.P. Nos.1 & 1 of 2007

C.M.A.No.2824 of 2007

United India Insurance Co. Ltd.,
12A, Kovai Road, 2nd Floor,
PLA Building, Karur-639 002,
Karur Taluk and District. ...Appellant/2nd Respondent

Vs.

1.Dhanam ...1st Respondent/Petitioner

2.G.Jayalakshmi ...2nd Respondent/1st Respondent

C.M.A.No.2825 of 2007

United India Insurance Co. Ltd.,
12A, Kovai Road, 2nd Floor,
PLA Building, Karur-639 002,
Karur Taluk and District. ...Appellant/2nd Respondent

Vs.

1.Ramasamy ...1st Respondent/Petitioner

2.G.Jayalakshmi ...2nd Respondent/1st Respondent

Prayer:- Civil Miscellaneous Appeals have filed under Section 173 of Motor Vehicles Act, 1988, against the decree and award dated 31.07.2007 made in M.C.O.P.Nos.25 & 28 of 2004 respectively on the file of the Motor Accidents Claims Tribunal (Sub Judge), Sankari.

For Appellant : Mr.T.Ravichandran

For R1 : Mr.C.Kulanthaivel

For R2 : No Appearance

COMMON JUDGMENT

The Insurance Company of the offending vehicle has come forward with these appeals challenging the multiplier adopted for granting compensation to the rider and pillion rider of an accident.

2. On 19.01.2003, a Mahindra van belonging to the second respondent and insured with the appellant ran amuk into a drainage and the claimants who were the passengers in the said vehicle suffered fracture of their collar bone, have moved the Motor Accidents Claims Tribunal separately seeking compensation of Rs.2,00,000/- whereas, the Tribunal has passed an award for Rs.84,265/-, in a case from which C.M.A.No.2824 of 2007 arises and Rs.1,10,800/- from which C.M.A.No.2825 of 2007 has been preferred. The award amount also carries with it an interest at 7.5% per annum.

3. The only objection of the learned counsel for the appellant was that the methodology adopted by the Tribunal in applying the multiplier method for assessing the compensation payable on the head of injury. The doctor has assessed the disability at 13% and 12% respectively and the learned counsel submitted that in fitness of things, the Tribunal should not have treated the nature of the injury as functional disability and should not have adopted multiplier method.

4. The learned counsel for the claimants submitted that the injury was to the collar bone and both were coolies and the nature of their occupation involves hard labour and the injury they suffered has affected their ability to lift heavy articles and therefore the approach of the Tribunal is just, fair and appropriate.

5. After hearing the submissions and upon perusal of the documents, I find no infirmity in the approach of the Tribunal. The whole idea of compensation law is raised on the principle that the victims of the accident should be put as far as possible in the same position as before the accident to the extent money can achieve it. If so viewed, I find that there is very little material to interfere in the awards passed by the Tribunal.

6. I find no merit in these appeals and the same are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

kmi

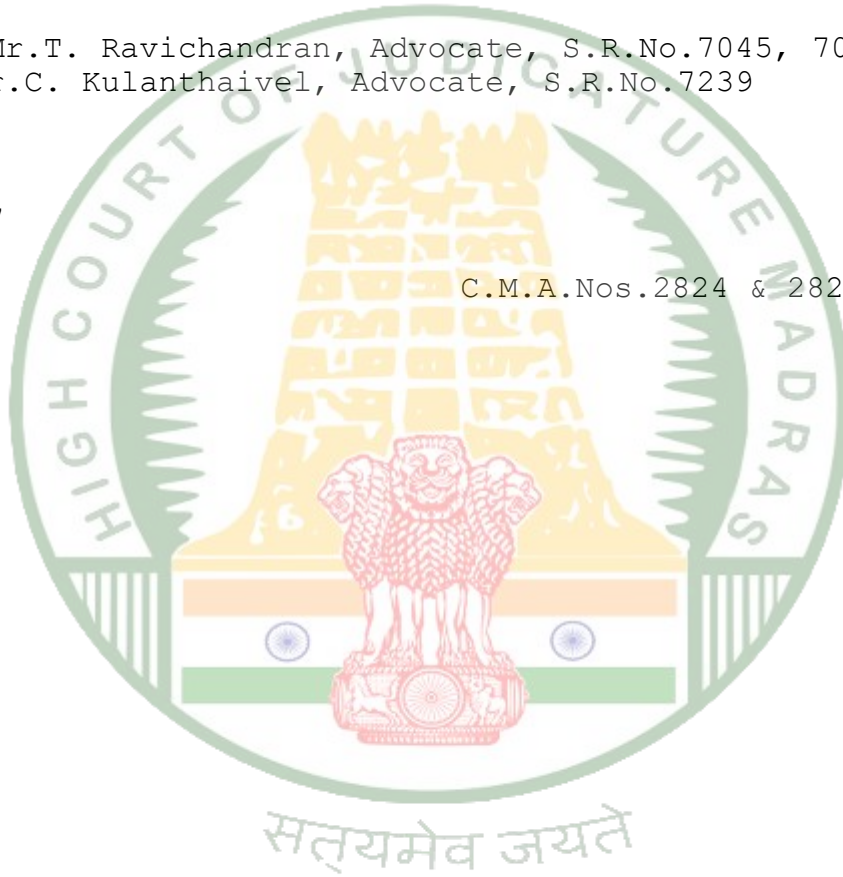
To

1. The Subordinate Judge,
Motor Accidents Claims Tribunal,
Sankari.
2. The Section Officer,
V.R.Section,
High Court, Madras.

+2ccs to Mr.T. Ravichandran, Advocate, S.R.No.7045, 7046
+1cc to Mr.C. Kulanthaivel, Advocate, S.R.No.7239

GJII(CO)
EU 22.3.17

C.M.A.Nos.2824 & 2825 of 2007



WEB COPY