

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2017

CORAM

THE HONOURABLE Dr.JUSTICE S.VIMALA

C.M.A.No.2129 of 2017
and
C.M.P.No.11279 of 2017

1.J.Bhuvaneswari

2.The National Insurance Company Ltd.,
Branch Manager,
Divisional Office,
Pondicherry. ... Appellants/Respondents

/Vs/

C.R.T.Selvam ... Respondent/Petitioner

Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 28.04.2004 made in MACTOP.No.478 of 1999 on the file of the Motor Accidents Claims Tribunal, (Second Additional Subordinate Judge), Villupuram.

For Appellant : Mr.S.Arun Kumar
No.2

JUDGMENT

This Civil Miscellaneous Appeal has been filed by the owner as well as the Insurance Company challenging the quantum of compensation.

2. As against the claim made for a sum of Rs.6,00,000/-, the Tribunal has passed an award for a sum of Rs.2,75,413/-. This award is dated 28.04.2004.

2.1. The appeal has been filed 13 years after the passing of the award.

2.2. According to the claimant, he sustained head injury, facial injury and injury over the left leg. The doctor has certified the injuries as greivous injuries. The percentage of disability has been fixed at 30%.

3. The claimant had been employed as a Senior Selection Grade Assistant and his salary was at Rs.7,812/- as per Ex.P8 salary certificate. Considering the possibility of promotional chances getting affected, the Tribunal has decided that there would be loss of income to the extent of Rs.1000/- and for a period of 16 years, loss of future income has been quantified at Rs.1,92,000/-(Rs.12,000 x 16); loss of damage of motor cycle has been awarded at Rs.8,726/-, pain and suffering has been awarded at Rs.5,000/-, Transport expenses has been awarded at Rs.3,000/-, extra nourishment has been awarded at Rs.3,000/-, at the rate of Rs.2,000/- per percentage of disablement, disablement compensation has been awarded at Rs.60,000/-, medical expenses as per bills has been awarded at Rs.3,687/- and total compensation of a sum of Rs.2,75,413/- has been awarded.

4. The tribunal has passed an award for disablement under the head disablement compensation as well as loss of earning capacity. While loss of earning capacity has been adequately awarded, disablement compensation should have been awarded at a lower rate. However, the value of money has reduced and cost of prices have increased and therefore, at this distant point of time, it cannot be contended that the award is excessive and it might have been excessive during the year 2004 and not in the year 2017. The appeal has no merits and the same is dismissed confirming the award of the tribunal. No costs. Consequently, connected miscellaneous petition is closed.

5. The second appellant/Insurance company is directed to deposit the entire award amount, along with interest and costs as ordered by the tribunal, less the amount already deposited, if any, before the Tribunal, within a period of four weeks from the date of receipt of a copy of this judgment. 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/-

Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

kv/sms

To

1.The Motor Accidents Claims Tribunal,
(Second Additional Subordinate Judge),
Villupuram.

C.M.A.No.2129 of 2017 and
C.M.P.No.11279 of 2017

sj (co)

ss(11/9/2017)

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