

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2017

CORAM:

THE HON'BLE Dr. JUSTICE S.VIMALA

Civil Miscellaneous Appeal Nos.2408 and 2409 of 2017
and C.M.P.No.13045 & 13046 of 2017

The Branch Manager,
 United India Insurance Co. Ltd.,
 Branch Office,
 448-A Dr. Nanjappa Road,
 Coimbatore

..Appellant in both CMAs

..VS..

1. Mr. Ramakrishnan
 2. Munusamy
 3. Mr.A.P.Babu

.. R-1 in CMA No.2408 of 2017
 .. R-1 in CMA No.2409 of 2017
 .. R-2 in both CMAs

Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree, dated 13.06.2006 made in M.C.O.P.Nos.189 and 187 of 2005 on the file of the Motor Accident Claims Tribunal, Sub Court, Krishnagiri.

For Appellant in both CMAs : Mr. T.Ravichandran

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JUDGMENT

In respect of the claim petition filed by one Ramakrishnan, in M.C.O.P.No.189 of 2005, award has been passed for a sum of Rs.18,000/-. Challenging the same, C.M.A.No.2408 of 2017 has

been filed by the Insurance Company.

2. In respect of the claim petition filed by one Munusamy, in M.C.O.P.No.187 of 2005, award has been passed for a sum of Rs.3,80,000/-. Challenging the same, C.M.A.No.2409 of 2017 has been filed by the Insurance Company.

3. It is represented by the learned counsel appearing for the appellant / Insurance Company, in both these Appeals, that the amount of compensation, as determined by the Claims Tribunal, has been ***already deposited before the Tribunal and the amount has also been withdrawn by the respective claimants.***

4. In view of the said submission, even though the delay in preferring the appeals is condoned, the decision on compensation is not going to serve any purpose, as already the amount has been withdrawn by the claimants.

5. In respect of claim filed in M.C.O.P.No.189 of 2005, the award has been passed under the following heads:-

Pain and sufferings	-	Rs.10,000/-
Medical expenses	-	Rs. 4,000/-
Transport	-	Rs. 2,000/-
Partial loss of earnings	-	Rs. 1,000/-
Extra nourishment	-	Rs. 1,000/-

		Rs.18,000/-

6. This award has been passed based on the evidence of the

claimant. Nothing has been pointed out showing which part of the award is excessive. The Tribunal has stated that the claimant has sustained multiple injuries all over the body. Under the circumstances, the award passed by the Claims Tribunal cannot be said to be excessive.

7. So far the claim in M.C.O.P.No.187 of 2005 is concerned, the claimant has suffered crush injury over the right foot and other injuries over left foot and left hip. The claimant has stated that five toes in the right leg had been removed and he has also suffered arthritis because of the injury. The Doctor has certified the permanent disablement at 35% and the followings are the breakup details of the award:-

Injuries leading to disablement -	Rs.1,00,000/-
Pain and sufferings -	Rs. 30,000/-
Permanent disablement -	Rs. 90,000/-
Loss of earning capacity -	Rs.1,00,000/-
Medical expenses -	Rs. 25,000/-
Future medical expenses -	Rs. 10,000/-
Transport -	Rs. 10,000/-
Extra nourishment -	Rs. 5,000/-
Partial loss of earnings -	Rs. 10,000/-

	Rs.3,80,0000/-

8. In this case also, the appellant is not able to point out,

which part of the award is excessive or disproportionate.

9. In such view of the matter and also considering the fact that the compensation amount, as awarded by the Claims Tribunal, has been withdrawn by the respective claimants long back, these Civil Miscellaneous Appeals are dismissed. No costs. Consequently, the connected CMPs are also dismissed.

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Index : Yes / No
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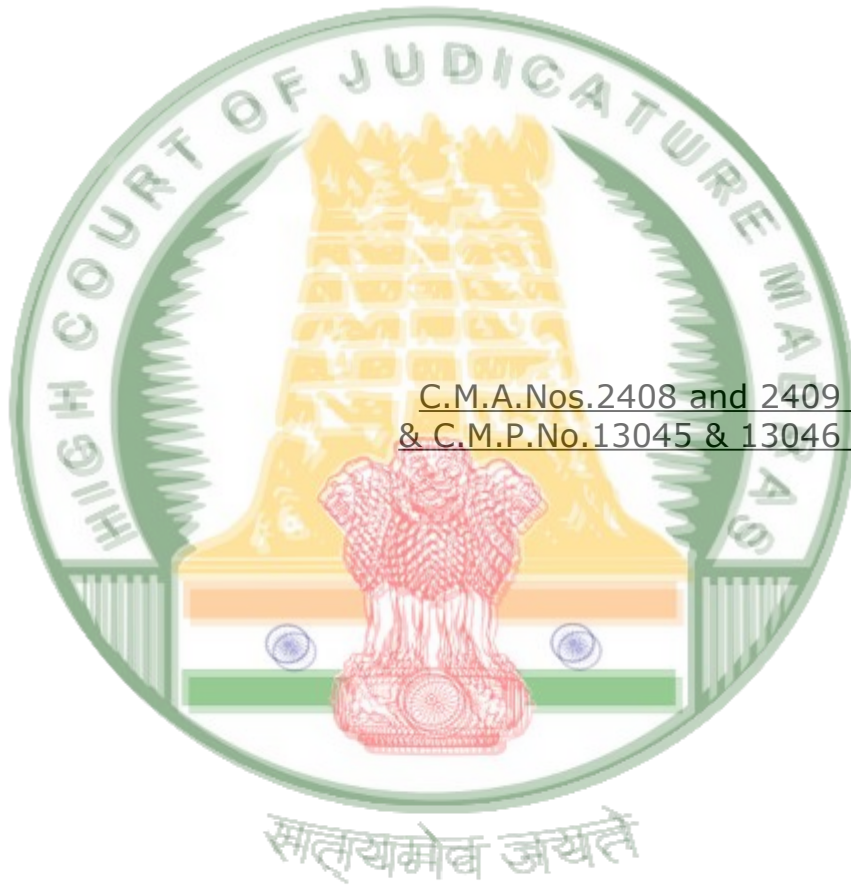
1. Motor Accident Claims Tribunal, Sub Court, Krishnagiri.
2. The Section Officer, V.R.Section, Madras High Court,
Chennai 104



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Dr. S.VIMALA, J.,

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