



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.1211 of 2015

and

M.P (MD) No.1 of 2015

The Branch Manager,
National Insurance Company Limited,
706, Tenkasi Road,
Rajapalayam.

... Appellant/2nd Respondent

Vs.

1.Kalaivanan

...1st Respondent/Petitioner

2.The Secretary,
Ananda Vidyalaya Matriculation School,
292, Tenkasi Road, Rajapalayam,
Virudhunagar District.

...2nd Respondent/1st Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 to set aside the judgment and decree dated 18.04.2015 made in M.C.O.P No.196 of 2013 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputhur.

For Appellant : Mr.J.S.Murali

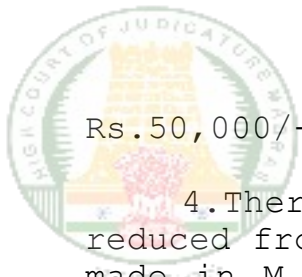
For Respondents : Mr.G.Marimuthu for R1

JUDGMENT

Heard the learned counsel on either side.

2.The insurance company is on appeal questioning the order dated 18.04.2015 made in M.C.O.P No.196 of 2013 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputhur on the ground of quantum.

3.The injured claimant was awarded a sum of Rs.2,47,000- as compensation with interest. Admittedly, the claimant has taken treatment only in the Government hospital. If he has taken treatment in Government hospital, the question of incurring medical expenditure to the tune of Rs.50,000/- cannot arise. Of course, on account of stay for about 9 days in the hospital, he would have incurred some expenditure. But, it would have certainly not come to



Rs.50,000/-.

4. Therefore, the amount awarded under the said head alone is reduced from Rs.50,000/- to Rs.10,000/-. The award dated 18.04.2015 made in M.C.O.P No.196 of 2013 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputhur is accordingly modified. The claimant is entitled to get a sum of Rs.2,07,000/-.

5. The appellant insurance company is directed to deposit the said amount with interest at the rate of 7.5% per annum and costs, from the date of petition till the date of realization, within a period of eight weeks from the date of receipt of a copy of this order, less the amount already deposited, if any. On such deposit, the claimant is entitled to withdraw the same by filing proper application before the Tribunal, less the amount already withdrawn by him, if any.

6. This Civil Miscellaneous Appeal is partly allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL. SIDE)

/True Copy/

Sub Assistant Registrar

To

1. The Chief Judicial Magistrate,
Motor Accidents Claims Tribunal,
Virudhunagar District at Srivilliputhur.

2. The Record Keeper,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/s. G.M.LAW OFFICE Advocate in SR. No. 84603

+1cc to M/s. J.S.MURALI Advocate in SR. No. 84977

SKM

JS/MR.KKR/SAR.3/05.12.2017/2P-5C

C.M.A. (MD) No.1211 of 2015
and

M.P (MD) No.1 of 2015
31.10.2017