



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.04.2017

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THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.M.A(MD)No.290 of 2017

and

C.M.P. (MD)No.3453 of 2017

M/S.National Insurance Company Limited,
Rep. by its Senior Manager,
Jerome Building,
Fort Station Road,
Trichy.

.. Appellant / Respondent -2

Vs.

1.Ashok Kumar
2.G.senthilvel

.. 1st Respondent / Petitioner
.. 2nd Respondent / Respondent-1.

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the decree and judgment passed in M.C.O.P.No.1456 of 2007 dated 16.06.2014 on the file of the Motor Accident Accident Claims (III Additional Subordinate Court), Tiruchirapalli.

For Appellant : Mr.S.Srinivasa Raghavan
For R1 : Mr.N.Sudhagar Nagaraj

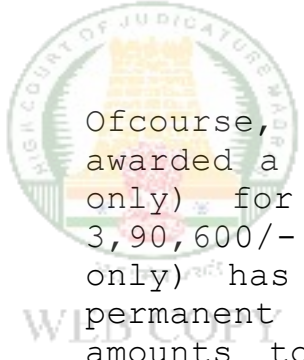
J U D G M E N T

This Civil Miscellaneous Appeal is directed against the award passed in M.C.O.P.No.1456 of 2007 dated 16.06.2014 on the file of the Motor Accident Accident Claims Tribunal (III Additional Subordinate Court), Tiruchirappalli.

2.Heard the learned counsel appearing for the appellant/Insurance Company and the learned counsel appearing for the first respondent and perused the materials placed on record.

3. Insurance Company is on appeal challenging the award of total compensation of Rs.6,98,760/- (Rupees six lakhs ninety eight thousand seven hundred and sixty only) for the injuries suffered by the claimant in a road accident.

4. The learned counsel for the appellant Insurance Company, despite his efforts, is unable to pick holes in the findings of the Tribunal on negligence or on the quantum.



Ofcourse, the learned counsel would submit that the Tribunal has awarded a sum of Rs. 1,24,000/- (One Lakh and Twenty Four Thousand only) for permanent disability and again another sum of Rs. 3,90,600/- (Rupees three lakhs and ninety thousand and six hundred only) has awarded for future loss of income due to the said permanent disability. This according to the learned counsel amounts to double compensation. In respect of the other heads namely, medical expenses, extra nutrition, value of property damaged etc., there is no dispute.

5. Considering the limited issue involved in the appeal and the claimant has entered through the counsel, with consent of both counsels, the appeal itself is taken up for final disposal.

6. Ofcourse, the Tribunal has awarded Rs. 1,24,000/- (Rupees one Lakh and twenty four thousand only) for permanent disability and again awarded a sum of Rs. 3,90,600/- (Rupees Three Lakhs Ninety Thousand and Six Hundred) for future loss of income. The injured is a lorry Owner cum Driver and the Tribunal has taken his income at Rs. 3,500/- (Rupees Thousand and Five Hundred only) per month. The Tribunal having assessed the permanent disability at 62% has arrived at the loss of income at Rs. 1,24,000/- and by adopting the multiplier of '15', has arrived at Rs. 3,90,600/- (Rupees Three Lakhs Ninety Thousand and Six Hundred) towards the loss of future income.

6. Though the learned counsel the appellant Insurance Company would vehemently contend that the Tribunal should have reduced the amount of Rs. 1,24,000/- awarded under the head of permanent disability. Though the argument sounds reasonable, I find that total compensation is not on the higher side. The Tribunal has taken the very low amount as the monthly income. Even in respect of unorganized labourers or agricultural coolies the Hon'ble Supreme Court of India has suggested monthly income of Rs. 4,500/- (Rupees Four Thousand and Five Hundred only) to be adopted and adding future prospects, it has to be taken as Rs. 6,000/- (Rupees Six Thousand only) per month.

7. If the monthly income is taken Rs. 6,000/- (Rupees Six Thousand only), 62% in the same would be Rs. 3,720/-. If the monthly income loss of income is taken as Rs. 3,720/-, the loss of future income would work out Rs. 6,69,600/-. The total compensation awarded by the Tribunal under the two heads namely permanent disability as well as loss of future income works out to Rs. 5,14,600/- (Rupees Five Lakhs Fourteen Thousand and Six Hundred only). Therefore, though the Tribunal has granted compensation under two heads, it appears to be reasonable. Hence, I do not find any ground to interfere with the award. Hence, the appeal is dismissed. No costs. Consequently, connected C.M.P. (MD) No. 3453 of 2017 is also



dismissed.

8. The Insurance Company is directed to deposit the award amount, less the amount already deposited, to the credit of M.C.O.P.No.1456 of 2007 on the file of the Motor Accident Claims Tribunal, Trichirappalli within a period of four weeks from the date of receipt of copy of this judgment. On such deposit, the Tribunal shall transfer the same to the bank account of the claimant through RTGS/NEFT after getting the Account Details from the claimant, within a period of four weeks from the date of such deposit.

Sd/-

Assistant Registrar (P&A)

/True copy/

Sub Assistant Registrar

To,

1.The III Additional Subordinate Judge,
Motor Accident Claims Tribunal,
Tiruchirappalli.

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

+1 CC to M/s.N.SUDHAGARNAGARAJ, Advocate, SR No. 51984

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate, SR No. 51661

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PSM/MR/SAR3/11.05.2017/3P/5C

**C.M.A. (MD) No.290 of 2017
and C.M.P. (MD) No.3453 of 2017
12.04.2017**