



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHANC.M.A. (MD) No.1357 of 2015
andM.P. (MD) No.1 of 2015 and
CMP (MD) No.7872 of 2017

Branch Manager,
The United India Insurance Company
Limited,
First Floor, South Main Road,
Thanjavur.

... Appellant/2nd Respondent

Vs.

1.Veerasekaran
2.Prathebha

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

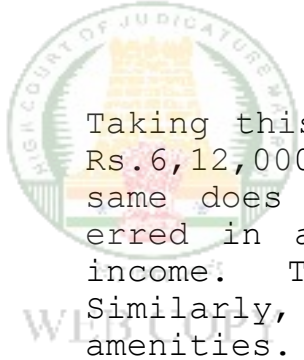
Prayer : This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgment and decree dated 27.04.2015 made in M.C.O.P.No.478 of 2010 on the file of MACT, Special Sub Court, Thanjavur.

For Appellants : Mr.A.S.Mathiyalagan

Respondents in : Mr.N.Sudhagar Nagaraj for R1
R2 - unclaimedJUDGMENT

The insurance company has filed this appeal challenging the impugned award on the ground of quantum. The claimant was the pillion rider. It was involved in an accident with another two wheeler. The claimant suffered head injuries. He was working abroad earlier. As a result of this accident, he could not rejoin his Overseas employment. The Tribunal awarded a sum of Rs.12,33,000/- with interest. Contending that the same is excessive, this appeal has been filed.

2.The claimant admittedly suffered injuries on the head. It is pointed out that a portion of the forehead was removed and thereafter plastic surgery was performed. He was an inpatient for about 15 days. The appellant has not been able to go back to his Overseas employment. Thus, he has suffered a heavy financial loss.



Taking this aspect into account, the Tribunal has awarded a sum of Rs.6,12,000/- towards loss of income. I am of the view that the same does not call for any interference. However, the Tribunal erred in awarding a sum of Rs.1,22,400/- towards loss of future income. The same will have to be deducted from the final award. Similarly, a sum of Rs.2,00,000/- has been given for loss of amenities. The same is also to be deducted. A sum of Rs.25,000/- has been awarded towards transport expenses. In other respects, the impugned award is not interfered with. Therefore, the award of compensation is reduced from Rs.12,33,000/- to Rs.9,10,600/-. (Rs.12,33,000 - Rs.3,22,400). The award dated 27.04.2015 made in M.C.O.P.No.478 of 2010 on the file of MACT, Special Sub Court, Thanjavur is modified accordingly.

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

4.This Civil Miscellaneous Appeal is partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Special Subordinate Judge,
Motor Accident Claims Tribunal
Special Subordinate Court, Thanjavur
- 2.The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.

+One cc to Mr.N.Sudhakar Nagaraj, Advocate, SR.No.88456
+One cc to Mr.A.S.Mathialagan, Advocate, SR.No.88255

Arul

RL/5C/2P/SV/MMS/SAR1/17/1/2018

C.M.A. (MD) No.1357 of 2015
and

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