



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2017

Coram:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.M.A(MD)No.565 of 2017

and

C.M.P(MD)No.6034 of 2017

1.The Commissioner of Civil Supply and
Consumer Protection Department,
Chepauk, Chennai - 05.

2.The Taluk Supply Officer,
Taluk Supply Office,
Taluk Office Road,
Mannarkudi City,
Tiruvarur District.

.. Appellants/Respondents

-Vs-

R.Chinnappan

.. Respondent/Petitioner

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act,1988 against the decree and judgement made in M.C.O.P.No.916 of 2009, dated 28.10.2015, on the file of the Motor Accident Claims Tribunal-cum-Special District Judge, Thanjavur.

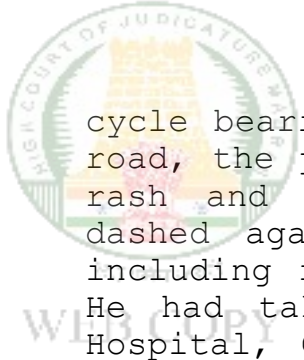
For Appellant : Mr.A.K.Baskarapandian
Special Government Pleader
For Respondent : M/s.G.Karnan

JUDGMENT

This Civil Miscellaneous Appeal has been filed against the decree and judgement made in M.C.O.P.No.916 of 2009, dated 28.10.2015, on the file of the Motor Accident Claims Tribunal-cum-Special District Judge, Thanjavur.

2.The owner of the offending vehicle, namely the Commissioner of Civil Supplies and Consumer Protection Department, Chepauk, Chennai-05, is the first appellant.

3.The petition was filed by the first respondent/injured, who suffered injuries in the motor accident that occurred on 29.4.2009. According to the claimant, when he was riding his motor-



cycle bearing Registration No.TN 07 G 1194 on the left side of the road, the jeep belonging to the appellant driven by its driver in a rash and negligent manner, coming in the opposite direction, dashed against the claimant and he suffered multiple injuries including fracture in the right leg and injuries in the head also. He had taken treatment at Rohini Hospital, Thanjavur and Sooriya Hospital, Chennai between 30.04.2009 to 20.5.2009. Again, he was hospitalized for two days from 1.6.2009 to 3.6.2009 in the same hospital. According to him, the accident had resulted in severe disability and he was unable to carry out his day-to-day activities. He claimed a sum of Rs.10 lakhs as compensation for the injuries.

4.The appellant resisted the said claim contending that the accident had occurred due to the negligence of the claimant and that the compensation claimed is on the higher side. The Tribunal on the question of negligence, found that the accident had happened only due to the negligence of the driver of the Jeep.

5.On the quantum, the Tribunal found that there was 50% permanent disability and awarded a sum of Rs.1 lakh towards the same. A sum of Rs.50,000/- was awarded towards pain and suffering, Rs.5000/- each towards transport, nutrition and attendant charges, a sum of Rs.25,000/- towards loss of amenities, a sum of Rs.6000/- towards attendant charges after discharge from the hospital, a sum of Rs.12,000/- awarded towards loss of earning and a sum of Rs.1,70,242/- towards medical expenses based on the bills. In all, the Tribunal has granted a sum of Rs.3,80,242/- as compensation. The Tribunal has also granted interest at the rate of 9% p.a.

6.Mr.A.K.Baskarapandian, learned counsel for the appellant would contend that the Tribunal had awarded Rs.50,000/- towards pain and suffering and Rs.25,000/- towards loss of amenities and those awards are on higher side.

7.Considering the fact that the injuries are severe in nature and the period of hospitalization is quite long. I do not think the award of the Tribunal towards pain and suffering is on higher side. On the question of loss of amenities, the claimant has suffered 50% permanent disability and his activities were restricted and therefore, I do not find that the amount of Rs.25,000/- awarded towards loss of amenities is on higher side. I do not find any reason to interfere with the award of the Tribunal. Hence the appeal fails.

8.Accordingly, the Civil Miscellaneous Appeal is dismissed. Consequently, connected Miscellaneous Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS-I)



To

1.The Motor Accident Claims Tribunal
(Special District Judge),
Thanjavur.

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

+1cc to Mr.G.KARNAN Advocate in SR. NO.62961

VSN

JS/MR.KKR/SAR.3/13.07.2017/3P-4C

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