



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

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C.M.A. (MD) No.1466 of 2013

The Oriental Insurance Company Ltd.,
90-A, Thuraiyur Road,
Namakkal-637 002.

.. Appellant/
2nd Respondent

-Vs-

1.Manthirammoorthy

...1st Respondent/
Petitioner

2.Gopala Krishnan

... 2nd Respondent/
1st Respondent

(R2 remained ex-parte before the lower Court)

3.The Shriram General Insurance Company Limited,
Jaipur.

... 3rd Respondent/3rd Respondent

Prayer: Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the Award of Rs.48,000/- (Rupees Forty Eight Thousand only) passed in M.C.O.P.No.96 of 2012, dated 27.02.2013 on the file of the Motor Accidents Claims Tribunal- cum- Second Additional District Judge, Thoothukudi.

For Appellant
For Respondents

:Mr.K.Bhaskaran
:Mr.P.Pethu Rajesh for R1

:R-2 Ex-parte

:Mr.P.Jayaraman for R3
* * * * *

JUDGMENT

This Civil Miscellaneous Appeal has been filed against the award of Rs.48,000/- (Rupees Forty Eight Thousand only) passed in M.C.O.P.No.96 of 2012, dated 27.02.2013 on the file of the Motor Accidents Claims Tribunal- cum- Second Additional District Judge, Thoothukudi.

2. In this case, the driver of the vehicle insured with the third respondent-Sri Ram General Insurance Company Ltd., had driven the vehicle as stated above and the negligence has been
<https://hsr.scd.ongovt.in/reserve/> first respondent at 25% and 75 % on the driver of the lorry insured with the appellant/Oriental Insurance Company Limited.



3. In the accident, the first respondent/claimant sustained head injury and a fracture over his left and first shoulder and also sustained blood injuries all over the body. To prove the injuries the accident register has been marked as Ex.P7. The injury sustained by the claimant as stated above has been proved by Ex.P7- a copy of the Accident Register Book and because of the injuries and therefore, the Tribunal found that the first respondent would take a treatment at least for three months and awarded a sum of Rs.18,000/- (Rupees Eighteen Thousand only) by taking Rs.6,000/- as monthly income as he was working as a Driver as proved by Ex.P8- a Copy of Driving Licence. The said determination cannot be found fault with.

4. A sum of Rs.2,000/- (Rupees Two Thousand only) was awarded by the Tribunal towards transportation and Rs.3,000/- (Rupees Three Thousand only) towards extra nourishment is very low and the same is enhanced to Rs.10,000/- (Rupees Ten Thousand only) and Rs.15,000/- (Rupees Fifteen Thousand only) respectively. A sum of Rs.25,000/- (Rupees Twenty Five Thousand only) towards pain and sufferings awarded by the Tribunal cannot be found fault with.

5. The rate of interest at 7.5% per annum awarded by the Tribunal remains unaltered.

6. Therefore, the award amount of Rs.48,000/- (Rupees Forty Eight Thousand only) is enhanced to Rs.68,000/- (Rupees Sixty Eight Thousand only) along with interest at the rate of 7.5% per annum from the date of petition till date of realisation and proportionate costs.

7. The first respondent/claimant is entitled to Rs.68,000/- (Rupees Sixty Eight Thousand only). Both the appellant-The Oriental Insurance Company and the third respondent-Shriram Insurance Company, Rajasthan, are directed to deposit the entire award amount along with interest and costs to the credit of M.C.O.P.No.96 of 2012 on the file of the Motor Accident Claims Tribunal -cum- Second Additional District Court, Thoothukudi, in the ratio of 75% : 25%, less the amount deposited already, if any, before the Tribunal within a period of six weeks from the date of receipt of a copy of this order.

8. On such deposit, the Tribunal shall transfer the award amount to the personal Savings Bank Account Number of the first respondent, through RTGS/NEFT system within a period of two weeks thereafter. The respondent/claimant is directed to pay the additional Court Fees, if any, within a period of two weeks from the date of receipt of a copy of this judgment.



9. In the result, this Civil Miscellaneous Appeal is dismissed.
No costs.

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Sd/-
Assistant Registrar (CSII)
/True Copy/
Sub-Assistant Registrar

To

1. The Second Additional District Judge,
The Motor Accidents Claims Tribunal-
Thoothukudi.

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

+One cc to Mr. K. Bhaskaran, Advocate, SR.No.7357

+One cc to Mr. K. Gokul, Advocate, SR.No.7566

+One cc to Mr. P. Pethu Rajesh, Advocate, SR.No.7398

gsr
RL/6C/3P/RR/24.3.2017

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