



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2017

CORAM

THE HON'BLE **Mr.JUSTICE K.KALYANASUNDARAM**

AND

THE HON'BLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**

C.M.A(MD)No.1482 of 2013

WEB COPY

O.S.Kannan

... Appellant /Petitioner

Vs.

1.A.Alima

2. Oriental Insurance Company,

Represented by Divisional Manager,

16, North Veli Street, Madurai. ... Respondents/Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award passed in M.C.O.P.No.1291 of 2007 on the file of the IV-Additional Sub Judge, Madurai, dated 28.03.2012.

For Appellant : Mr.G.Prabhu Rajadurai

For R1 : No Appearance

For R2 : Mr.K.Bhaskaran

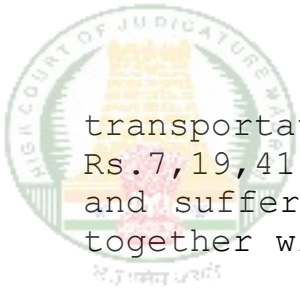
J U D G M E N T

(Judgment of the court was delivered by **K.Kalyanasundaram,J**)

Being dissatisfied with the award of the Motor Accident Claims Tribunal (IV Additional Sub- Judge), Madurai, passed in M.C.O.P.No.1291 of 2007, dated 28.03.2012, the claimant has preferred this appeal seeking enhancement of compensation.

2.Facts in nutshell:- On 08.04.2006 at about 10.00 p.m, when the claimant was proceeding in his scooter TN-59-4572 near Sonaiyar Kovil Street, Narimedu, Madurai, a lorry TN-45-Z-1896 coming from the opposite direction, dashed against the claimant. Due to the accident, he was thrown away and fell down and the front wheel of the lorry ran over on his right hand and caused crush injury. The said accident was occurred due to the rash and negligent driving of the driver of the first respondent.

3.According to the claimant, he is a Medical Practitioner and he was 52 years at the time of accident and he suffered 80% disability. The Tribunal, on the basis of Exs.P.16 and P17 Income Tax returns, came to the conclusion that the claimant was earning Rs.13,507/- per month and by applying multiplier '11', awarded Rs.14,26,359/- (Rs.13,507 x 12 x 11 x 80/100) towards loss of earning power. Further, the Tribunal awarded Rs.40,118/- towards



transportation; Rs.20,000/- towards extra nourishment; Rs.7,19,419/- towards medical expenses; Rs.30,000/- towards pain and sufferings. In total, the Tribunal has awarded Rs.22,35,870/- together with interest @ 7.5% p.a.

4. We have heard both sides and perused the materials available on record.

5. Aggrieved by the award, the respondent Insurance Company filed CMA(MD)No.996 of 2013 and this Court, dismissed the appeal by observing that the award is reasonable. On independent appreciation of the records available, we are of the considered view that the tribunal has awarded just compensation based on the legal evidence and there is no scope for enhancement of the amount. In that view, we do not find any merits in this appeal.

6. In the result, this Civil Miscellaneous Appeal is **dismissed**, confirming the award of the tribunal passed in M.C.O.P.No. 1291 of 2007, dated 28.03.2012. No Costs.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1. The IV-Additional Sub- Judge, Madurai,
(Motor Accident Claim Tribunal)

2. The Record Keeper, (2 copies)
Vernacular Section,
Madurai Bench of Ma.drass High Court,
Madurai.

+1cc to Mr.K.Bhaskaran, Advocate Sr.No.86515

+1cc to Mr.G.Prabhu Rajadurai, Advocate Sr.No.86809

SKN

VB/CVC/SAR2/27.02.2018/2P/6C

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