



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.09.2018

CORAM

THE HONOURABLE MRS.JUSTICE S. RAMATHILAGAM

CMA No.1678 of 2007

M/s.United India Insurance
Co. Ltd., by its Branch Manager,
Tindivanam

....Appellant/2nd Respondents

Versus

1.Velmurugan

...1st Respondents/Claimant/Petitioner

2.Thangadurai

....2nd Respondent/1st Respondent

Prayer:

Civil Miscellaneous Appeal filed under section 173 of Motor Vehicle Act, 1988 against the judgment and decree dated 20.03.2003 made in MCOP No.1017 of 2000 on the file of the Motor Accidents Claims Tribunal (Principal Sub-Judge) at Tindivanam.

For Petitioner : Ms.N. Mala

For Respondents : No appearance

JUDGMENT

This Civil Miscellaneous Appeal filed under section 173 of Motor Vehicle Act, 1988 against the fair and decreetal order, dated 20.03.2003 made in MCOP No.1017 of 2000 on the file of the Motor Accidents Claims Tribunal (Principal Sub-Judge) at Tindivanam.

2) The brief facts of the claim petition are as follows :-

On 31.05.2000 at about 3.30 a.m., when the first respondent / claimant was proceeding in the bicycle near Pelakuppam Road, Tindivanam at that time, the vehicle bearing Registration No.TN-32/Y-7042 belonging to the second respondent was driven by its Driver in a rash and negligent manner and hit the first respondent / claimant and the second respondent is solely responsible for the accident. Due to the said accident, the first respondent sustained fracture injury in L3 and L4. The



injured has filed the claim petition seeking a sum of Rs.5,00,000/- as compensation.

3) The Tribunal, on a consideration of materials placed before it, has awarded a sum of Rs.3,25,000/- as compensation. The breakup details are as under :-

Part time loss of income	-	Rs. 15,000/-
Nutrition	-	15,000/-
Medical expenses	-	50,000/-
Pain and sufferings	-	50,000/-
Permanent Disability	-	1,50,000/-
Loss of earning capacity	-	45,000/-

		3,25,000/-

4) Aggrieved by the said award, the Insurance Company has preferred this appeal on the ground that the assessment of disability by the Tribunal is not proper. The sum awarded under the head "permanent disability" is also on the higher side and on the whole, the amount awarded by the Tribunal at Rs.3,25,000/- is highly excessive.

5) The learned counsel for the appellant / Insurance Company denied the fact that the first respondent was 20 years, who was a Mechanic and at the time of accident, he was earning a sum of Rs.5,000/- p.m. He further denies that the injury sustained by the first respondent is of simple in nature, for which, he claimed huge amount of compensation.

6) On a perusal of records, it reveals that the first respondent / claimant sustained fracture injuries in L3 and L4. Due to the fracture, the first respondent is unable to walk and work as before. It is also noticed that he was inpatient in M.N.Orthopedics Hospital, Chennai for the period from 31.05.2000 to 17.06.2000. Dr. M.Natarajan has assessed the disability at 65% as per Ex.P8, disability certificate. Considering the age, nature of work of the first respondent and medical bills submitted by him, this Court is of the view that the amount awarded by the Tribunal seems to be quite proper and reasonable and does not require any interference by this Court.

7) In the result, the award of the Tribunal is confirmed and the Civil Miscellaneous Appeal stands dismissed. No costs. Consequently, connected Miscellaneous Petition, if any is closed.

8) Accordingly, the appellant /Insurance Company is directed to deposit the entire award amount along with accrued interest and costs as ordered by the Tribunal, less the amount, if any, already deposited, to the credit of MCOP No.1017 of 2000 on the



file of the Motor Accidents Claims Tribunal (Principal Sub-Judge) at Tindivanam, within a period of four weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the Tribunal is directed to transfer the award amount directly to the bank account of the claimant, through RTGS, within a period of two weeks thereafter.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Motor Accidents Claims Tribunal (Principal Sub-Judge)
Tindivanam.
2. The Section Officer,
V.R. Section, High Court,
Madras - 104.

+1cc to Mr.N.Mala, Advocate, S.R.No.65553

CMA No.1678 of 2007

JP(CO)
GSP(07/01/2019)