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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.3984 of 2008
and M.P.No.1 of 2008

National Insurance Company Ltd.,
Pondicherry. ...Appellant/2nd Respondent

Vs

1. G.Clara ... 1st Respondent/Claimant

2. R.E.Jayabalan ...2nd Respondent/1st Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree dated 09.09.2005 and made in M.A.C.T.O.P.No.94 of 2005 on the file of the Motor Accident Claims Tribunal, Additional District Court (Fast Track Court No.2), Cuddalore.

For Appellant : Mr.S.Vadivel

For Respondent-1 : Served - No Appearance

For Respondent-2 : Not ready in notice

JUDGMENT

The instant appeal has been filed by the Insurance company challenging the Award dated 09.09.2005 passed by the Motor Accident Claims Tribunal, Additional District Court (Fast Track Court No.2), Cuddalore in M.A.C.T.O.P.No.94 of 2005.

2. The brief facts leading to the filing of the instant appeal are as follows:

(i) The first respondent sustained injuries on 26.04.2003 as a result of an accident caused by a motor cycle bearing Registration No.TN-31-A-5947 owned by the second respondent and insured with the Appellant.



9. The Tribunal under the impugned Award has considered all the documents filed by the first respondent and only thereafter passed the impugned Award against the Appellant. In this appeal, while making the submissions, the learned Counsel for the Appellant has not raised any serious objection to the quantum of compensation awarded by the Tribunal under the impugned Award.

10. The first respondent has sustained grievous injuries and has suffered 40% permanent disability as per the disability certificate Ex.P-9 produced before the Tribunal. The Tribunal has assessed the same at 35%.

11. As seen from the discharge summary produced before the Tribunal, the first respondent was hospitalized between 26.04.2003 and 07.05.2003 as a result of the injuries sustained by her on account of the accident. Even though in the claim petition, the first respondent had claimed that she was earning a monthly income of Rs.4,000/- as a tailor at the time of the accident, the Tribunal has assessed the monthly income only at Rs.1,000/-.

12. Considering the nature of injuries which are grievous in nature, the Tribunal has applied the multiplier method, while assessing the compensation payable to the first respondent. The Tribunal has awarded a total compensation of Rs.1,52,000/- to the first respondent under the following heads:

Heads	Amount
Disability (Rs.1,000x12x11)	Rs. 1,32,000
Pain and Suffering	Rs. 5,000
Other Heads	Rs. 15,000
Total	Rs. 1,52,000

13. In the considered view of this Court, the compensation Awarded to the first respondent under the impugned Award is a just compensation.

14. In the result, there is no merit in the instant appeal. Accordingly, the Civil Miscellaneous Appeal is dismissed. No costs.

15. The Appellant Insurance Company is directed the deposit the entire award amount to the credit of M.A.C.T.O.P.No.94 of 2005 along with interest awarded by the Tribunal, less the



amount already deposited if any, within a period of four weeks from the date of receipt of a copy of this order. On such deposit, being made, the first respondent is permitted to withdraw the same on filing an appropriate application. Consequently, the connected Miscellaneous Petition No.1 of 2008 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

srn/arb

To

1.The Motor Accidents Claims Tribunal,
Additional District Court (Fast Track Court No.2),
Cuddalore.

2.The Record Clerk,
VR Section,
High Court, Madras. (2 Copies)

+1 cc to M/s.S.Vadivel, Advocate SR.No.67720

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and M.P.No.1 of 2008

RGN (CO)
CSL/28.01.2019