

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.M.A.No.2145 of 2017
& C.M.P.No.11367 of 2017

United India Insurance Company Limited,
Divisonal Office, Nethaji Road,
Manjakuppam, Cuddalore-1.Appellant/2nd Respondent

Vs.

1.Poongothai, 60 years,
W/o Nagamuthu
Resididng at No.4B, Old Hospital road,
Sorakkalpattu, Cuddalore-1.Petitioner/Respondent

2.Latha Murugan,
W/o Murugan,
48C-39, 3rd Street, Jayapuram,
Tindivanam Taluk. 1st Respondents

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of
the Motor Vehicles Act, 1988 against the award and decree dated
30.04.2015 made in MCOP No.1587 of 2013 on the file of Motor
Accidents Claims Tribunal, II Additional Subordinate Court,
Cuddalore.

For Appellant : Mr.S.Arunkumar

For Respondents: Mr.N.Sudharsan for
Mr. N.Damodaran for R1
R2-No appearance

J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN,J.)

The Civil Miscellaneous Appeal has been filed against the
award dated 30.04.2015 passed in MCOP No.1587 of 2013 on the
file of Motor Accidents Claims Tribunal, II Additional
Subordinate Court, Cuddalore.

2. The Insurance Company challenges the compensation of Rs.2,33,700/- awarded for the injuries suffered by the first respondent/claimant in the motor accident that occurred on 31.12.2011. The Tribunal has awarded a sum of Rs.20,000/- towards pain and suffering, Rs.83,700/- towards medical expenses, Rs.10,000/- towards transport to hospital, Rs.10,000/- towards special diet, Rs.5,000/- towards other incidental expenses, Rs.5,000/- towards attender charges and Rs.1,00,000/- towards loss of partial permanent disability.

3. The claimant suffered fracture on right humerus bone. The Tribunal has assessed the disability at 50% and granted a sum of Rs.2000/- per percentage of disability and awarded Rs.1,00,000/- towards loss of partial permanent disability.

4. Mr.M.Sudharsan, learned counsel for the first respondent, would contend that the fixation of the permanent disability at 50% is very low.

5. We see no material evidence to accept the said contention. Therefore, we are of the view that the award of the Tribunal cannot be interfered with and the Civil Miscellaneous Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

raa

To

The Motor Accidents Claims Tribunal,
II Additional Subordinate Court,
Cuddalore.

+1cc to Mr.N.Damodaran, Advocate Sr.59633

C.M.A.No.2145 of 2017

ad[co]
srg 22/10/2018