

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.NO.1660 of 2008

M.Mohan

....Appellant/Petitioner

Vs

1. Rajesh Babu

2. The New India Assurance Company Ltd.,
No.45, Moore Street,
Chennai - 1.

...Respondents/Respondents

Prayer:

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and Decree dated 03.03.2008 made in MACT.O.P.No.2495 of 2005 on the file of the V Judge, Motor Accidents Claims Tribunal (Small Causes Court), Chennai.

For Appellant : Ms.Suguna,
for M/s. C.R.K.Law Firm

For Respondents : Mr.M.Krishnamurthy [for R2]
[R1- Exparte].

JUDGMENT

The instant appeal has been filed by the claimant challenging the quantum of compensation awarded by the Motor Accident Claims Tribunal, V Judge (Small Causes Court), Chennai by its Award dated 03.03.2008 in MACT.O.P.No.2495 of 2005.

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

(i) The appellant sustained injuries as a result of an accident caused by a vehicle Qualis Car bearing Registration No.TN-07-AC-0825 owned by the first respondent and insured with the second respondent. The appellant preferred a claim before the Motor Accident Claims Tribunal in MACT.O.P.No.2495 of 2005 seeking a compensation of Rs.1,50,000/-.

(ii) The Motor Accident Claims Tribunal, by its Award dated

03.03.2008 in MACT.O.P No.2495 of 2005 directed the second respondent to pay the appellant a sum of Rs.71,000/- together with interest at the rate of 7.5% per annum from the date of claim till the date of realisation.

(iii) Aggrieved by the award dated 03.03.2008 passed in MACT O.P.No 2495 of 2005, the instant appeal has been filed by the claimant seeking enhancement of compensation.

3. Heard Ms.Suguna for M/s. C.R.K.Law Firm, learned counsel for the appellant and Mr.M.Krishnamurthy, learned counsel for the second respondent. The first respondent has remained exparte before the tribunal as well as this court.

4. According to the learned counsel for the appellant, considering the nature of injuries sustained by the appellant, the tribunal ought to have awarded adequate compensation towards Loss of Earning, Extra Nourishment, Pain and Suffering, Permanent Disability and Reimbursement of Medical Expenses.

5. Per contra, learned counsel for the second respondent Insurance Company submits that the injuries sustained by the appellant is a simple injury. According to him, no documents were filed by the appellant before the tribunal in support of his claim.

6. This Court, after considering the materials available on record and after having examined the impugned award and after hearing the submissions of the respective counsels observes the following;

a. The appellant has sustained only lacerated injury over forehead, abrasions on the left side of the face, forearm lateral side and at both knees due to the accident. As seen from the findings of tribunal, the appellant has not sustained any fracture and the injuries sustained by the appellant is only a simple injury. As seen from Ex.P1 to P3, the appellant has taken only outpatient treatment from Government Royapettah Hospital and never was hospitalized.

b. The tribunal has accepted the statement of the appellant that he was earning a monthly salary of Rs.5,000/- The tribunal has awarded a sum of Rs.1000/- towards transportation cost, Rs.2,000/- towards Extra nourishment charges, Rs.1,000/- towards damage to clothing articles, Rs.1,000/- towards Medical Expenses, Rs.1000/- towards Attender Charges, Rs.5,000/- towards pain and suffering and Rs.55,000/- towards disability compensation.

c. As seen from the findings of the tribunal, no medical bills were produced by the appellant to prove that he had to incur expenditure for his medical treatment.

7. Considering the nature of injuries sustained by the appellant, the compensation Awarded by the tribunal under the impugned Award is an adequate and just compensation.

8. In the considered view this court, there is no merit in the instant appeal. Accordingly the Civil Miscellaneous Appeal is dismissed. No costs.

9. The 2nd respondent Insurance Company is directed to deposit the entire Award amount along with interest as awarded by tribunal, if not already deposited, within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, the appellant is permitted to withdraw the same by filing an appropriate application.

Sd/-

Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

ebsi/msr

To

1. The V Judge,
Motor Accidents Claims Tribunal,
Small Causes Court,
Chennai.

+1cc to Mr.M.Krishnamurthy, Advocate, S.R.No.62748

सत्यमेव जयते

C.M.A.NO.1660 of 2008

VBA (CO)

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