



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2018

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WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.A(MD).No.814 of 2015

K.A.Selvaraj

... Appellant /Claimant

Vs.

1.Senthilkumar

2.The Divisional Manager,
United India Insurance Company Ltd.,
South Main Street,
Thanjavur.

... Respondents/Respondents

[R.1 remained *ex-parte* before the tribunal]

PRAYER:- Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree made in M.C.O.P.No.429 of 2014 dated 24.03.2015 on the file of the Motor Accident Claims Tribunal, Special Subordinate Judge, Thanjavur.

For Appellant : Mr.S.Deenadhayalan
For R.2 : Mr.I.Suthakaran

JUDGMENT

This civil miscellaneous appeal has been filed challenging the award passed by the Motor Accident Claims Tribunal, Special Subordinate Court, Thanjavur, in M.C.O.P.No.429 of 2014 dated 24.03.2015.

2. Heard the learned Counsel appearing for the respective parties and perused the records carefully.

3. It is a case of injury and the tribunal has awarded a sum of Rs.1,12,000/-, as compensation. Being dissatisfied with the compensation awarded, the appellant/claimant is before this Court, seeking enhancement. According to the appellant/claimant, though the Doctor has assessed his disability as 36%, the tribunal has taken it as 20%, which is not reasonable and therefore, the appellant/claimant seeks enhancement.

4. The manner of accident as well as the liability are not disputed. It is seen from the records that the tribunal has assessed the disability of the appellant/claimant as 20%, though, the Doctor has assessed it as 36%. However, on a careful perusal of the records, it is seen that the Doctor who assessed the appellant's



disability is not the Doctor who treated him. Therefore, this Court is not inclined to accede with the contention of the appellant.

5. Perusal of records show that the tribunal, for each percentage of disability has awarded a sum of Rs.3,000/-, which is very reasonable and therefore, the same does not warrant any interference. It is also seen from the records that the appellant/claimant has undertaken four days treatment as inpatient and for the pain and sufferings, a sum of Rs.20,000/- was awarded by the tribunal, which, in my considered opinion is very reasonable. Taking into consideration the age; monthly salary; and all the relevant facts, the tribunal has awarded a reasonable sum, which does not deserve any interference.

6. In view of the foregoing discussions, this Court is not inclined to interfere with the compensation awarded by the tribunal. This civil miscellaneous appeal is liable to be dismissed and the same is accordingly dismissed. The award passed by the tribunal in M.C.O.P.No.429 of 2014 dated 24.03.2015 stands confirmed. No costs.

Sd/

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To
Motor Accident Claims Tribunal/
Special Subordinate Judge,
Thanjavur.

Copy to:
The Record Keeper, V.R. Section,
Madurai Bench of Madras High Court, Madurai.(2 COPIES)

+1cc to Mr.S.Deenadhayalan, Advocate, SR.No. 61267
+1cc to Mr.I.Suthakaran, Advocate, SR.No.61377

C.M.A(MD).No.814 of 2015
13.04.2018

gk
KK/KKR/26.04.2018/SAR-2/2P-6C