

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2019

CORAM:

THE HON'BLE Mr. JUSTICE R.MAHADEVAN

Civil Miscellaneous Appeal No.3364 of 2003

National Insurance Co. Ltd.,
Gobichettypalayam

... Appellant/Petitioner

..vs..

1. Vijaya

2. K.V.Samyappan

... Respondents/Respondents

Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award and decree, dated 22.10.2002, made in M.C.O.P.No.218 of 2002 on the file of the Motor Accident Claims Tribunal, Additional District Judge, Fast Track Court No.IV, Bhavani.

For Appellant : Mr. S.Arunkumar

For Respondents: No Appearance.

J U D G M E N T

This Civil Miscellaneous Appeal has been filed by the Insurance Company, challenging the quantum of compensation awarded by the Claims Tribunal.

2. In respect of an accident that took place on 18.08.2000 at about 04.30 pm at D.G.Pudur to K.N.Palayam Road, Anna Nagar, the injured, Vijaya, (first respondent herein) has filed a petition for compensation. As against the claim made for a sum of Rs.10,00,000/-, the Tribunal has awarded a sum of Rs.1,32,500/-. Challenging the quantum as excessive, the Insurance Company has filed the Appeal.

3. The Tribunal, based upon the facts, materials, evidence and also based upon the dictum laid down in the decisions of the Supreme Court, reported in 1996 ACJ 831 (UP State Road Transport Corporation v. Trilok Chandra), 2001 ACJ 420 (SC) (Kaushnuma Begum v. New India Assurance Company Limited), 2001 ACJ 827 (Oriental Insurance Company Limited v. Hansaraj Bhai Kodala) has granted the compensation on disability, by taking into account

the annual loss of income at Rs.24,000/-, adopting the multiplier of '17' and percentage of disability at 25% and ultimately, calculated the disability at Rs.1,02,000/-; Medical Expenses, Transportation expenses, extra nourishment and loss of income during treatment period have been estimated at Rs.25,000/-, Rs.500/-, Rs.1,000/- and Rs.4,000/- and thus, the total compensation was estimated at Rs.1,32,500/-.

4. The compensation awarded under all the heads by the Tribunal are reasonable and based on settled principles and therefore, there is no ground to interfere with the judgment passed by the Tribunal below. The compensation awarded by the Tribunal is just, fair and reasonable.

5. In the result, this Civil Miscellaneous Appeal is dismissed. No costs.

6. The appellant / Insurance Company shall deposit the entire compensation amount, along with interests and costs, as awarded by the Claims Tribunal, less the amount already deposited, if any, 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 deposited amount to the Savings Bank Account of the claimant / injured / first respondent herein, forthwith, through RTGS.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

srk

To

1. Motor Accident Claims Tribunal,
Additional District Judge, East
Track Court No.IV, Bhavani.

2. The Section Officer,
V.R.Section, Madras High Court,
Chennai 104.

+1cc to Mr.S.Arunkumar, Advocate, S.R.No. 44646

C.M.A.No.3364 of 2003

GP(CO)
GN(04/11/2019)