

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 11.06.2019  
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

C.M.A.No.1487 of 2006  
and C.M.P.No.6661 of 2006

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

Vs

1.P.Narayana Venkateswaran @ Venkatesan,...Ist Respondent/  
Claimant

2.N.K.R.Gaulechha ...2nd Respondent/1st respondent

Appeal under Section 173 of the Motor Vehicles Act against the judgment and decree dated 06.10.2005 made in OP No.812 of 2003 on the file of the Motor Accidents Claims Tribunal (3<sup>rd</sup> Small Causes Court), Chennai.

For Appellant : Mr.D.Bhaskaran

For Respondents : Mr.R.Arundattan  
for M/s.C & K Law Firm for R1

JUDGMENT

This appeal is preferred by the Insurance Company against the award of a sum of Rs.1,49,000/- towards compensation to the first respondent / claimant due to the injuries sustained by him in a motor vehicle accident.

2.The case in brief, is as follows:

On the fateful day, ie. on 21.01.2003, the first respondent was travelling in a Maruti Van bearing Reg.No.TN-01-M-6611 along the Jawaharlal Nehru 100 Ft. Road, Chennai, from North to South direction. When the van was nearing Pillaiyar Koil Street Junction, the driver of the van applied a sudden brake in order to avoid a major accident with another on-going vehicle and in that process, the van dashed against the median divider of the road and overturned. Due to the said impact, the first respondent sustained grievous injuries. The first respondent filed a claim petition before the Tribunal. On consideration of the materials and evidence available on record, the Tribunal awarded a total compensation of Rs.1,49,000/- with interest at the rate of 7.5% per annum from the date of petition.

3.Challenging the same, the appellant Insurance Company has filed the present Civil Miscellaneous Appeal.

4.The learned counsel for the appellant has submitted that even as per the First Information Report, the on-going vehicle - Ford Car bearing Reg.No.TN-72-D-1460, hit behind the second respondent's vehicle and only due to the same, the van driver applied sudden brake in order to avoid collusion. He further submitted that the compensation awarded by the Tribunal is excessive and exorbitant.

5.The learned counsel for the first respondent /claimant has submitted that the Tribunal has correctly considered the materials and evidence available on record and has passed the impugned judgment, which does not require any interference in the hands of this Court.

6.Heard the learned counsel on either side and perused the materials available on record carefully and meticulously.

7.Upon considering the complaint given by the claimant before the J-3 Guindy Traffic Police Station and the First Information Report marked as Ex.P3 and also Ex.P4-Rough Sketch and Ex.P5-Copy of charge sheet, the Tribunal observed that the occurrence of the accident has been correctly described in the first instance itself. The Tribunal has analysed the matter in proper perspective and had given a finding that only the driver of the van caused the accident by negligent driving and hit the van against the road median, which this Court is not inclined to interfere. With regard to the quantum of compensation awarded by the Tribunal, since the injured was aged 30 years at that time, the Tribunal came to the conclusion that he would have earned at least not less than Rs.4,000/- per month and accordingly awarded Rs.20,000/- towards loss of income during the treatment period of 5 months. The Tribunal has also awarded a sum of Rs.2,000/- towards transport expenses, Rs.7,000/- towards extra nourishment, Rs.30,000/- towards medical expenses, Rs.10,000/- towards mental agony, Rs.10,000/- towards pain and suffering, Rs.40,000/- towards Permanent Disability and Rs.30,000/- towards loss of earning power. The amounts awarded by the Tribunal under the above heads are very reasonable and hence the same are confirmed.

8.In the result, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the connected miscellaneous petition is closed. The appellant Insurance Company is directed to deposit the award amount as ordered by the Tribunal with interest, after deducting the amount if any already deposited, within a period of six weeks from the date of receipt of a copy

of this judgment. On such deposit, the first respondent / claimant is permitted to withdraw the same, on making proper application before the Tribunal.

Sd/-  
Asst.Registrar (CS V )

/true copy/  
Sub Asst. Registrar

KM

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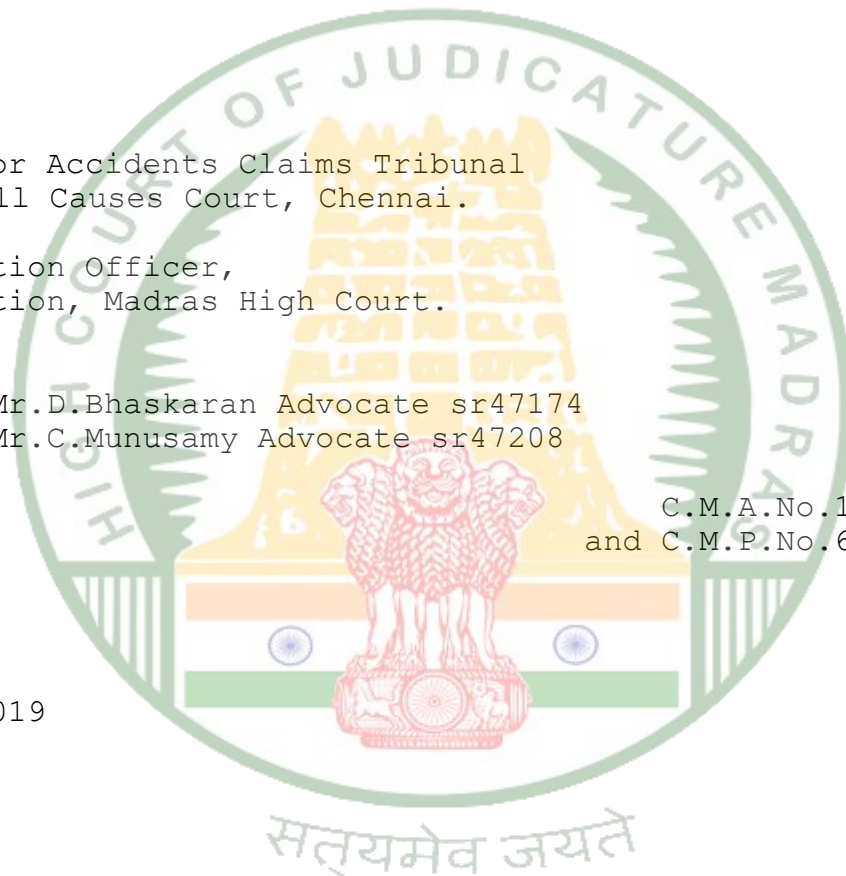
1.The Motor Accidents Claims Tribunal  
3<sup>rd</sup> Small Causes Court, Chennai.

2.The Section Officer,  
VR Section, Madras High Court.

+1 cc to Mr.D.Bhaskaran Advocate sr47174  
+1 cc to Mr.C.Munusamy Advocate sr47208

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