

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

C.M.A.No.674 of 2007
and M.P.No.2 of 2007

M/s.United India Insurance Company Ltd.,
7-A, Varadhanar Street
Vedhachala Nagar
Chengalpattu.

.... Appellant /2nd Respondent

Vs

1.C.Ajeem

2.R.Santhi Nirmala

3.E.Arasu

4.The New India Assurance Company Limited,
Kancheepuram.
(Respondents 2 and 3 are set exparte
in the Lower Court)

.... Respondents/Petitioner/
Respondents 1,3 and 4

Appeal under Section 173 of the Motor Vehicles Act against
the judgment and decree dated 31.01.2005 made in MCOP No.476 of
2001 on the file of the Motor Accidents Claims Tribunal
(Subordinate Judge), Cheyyar, at Thiruvannamalai District.

For Appellant : Ms.N.Mala

For Respondents : No appearance for R1
Mr.V.Srikanth for R4

JUDGMENT

This appeal is preferred by the Insurance Company against
the award of a sum of Rs.4,60,900/- towards compensation to the
first respondent, for the injuries suffered by him in a motor
vehicle accident.

2.The case in brief, is as follows:

On the fateful day, ie. on 21.09.2001, the first respondent and others were proceeding in a Tata Sumo vehicle bearing Reg.No.TN-21-C-6698, towards Kancheepuram from Vandavasi Bus Stand. When the vehicle was proceeding near Paalaru, a bus bearing Reg.No.TN-21-B-2255 (Aruna Bus), belonging to the second respondent, came in a rash and negligent manner and dashed against the Tata Sumo vehicle. Due to the said impact, all the occupants in the Tata Sumo vehicle got injured. The first respondent was admitted in the Kancheepuram Government Hospital. The first respondent filed a claim petition before the Tribunal. On consideration of the materials and evidence available on record, the Tribunal arrived at the total compensation at Rs.4,60,900/- with interest at the rate of 9% p.a.from the date of petition till the date of judgment and thereafter 6% p.a.till the entire compensation is deposited.

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 the Tribunal has erred in adopting the multiplier method for awarding the compensation for the injuries suffered by the claimant. He also submitted that the Tribunal failed to note that the claimant did not sustain any loss of earning power and that the nature of injuries were not the ones affecting the future prospects of the injured.

5.There is no representation for the first respondent / claimant.

6.P.W.2-Doctor, who treated the claimant, issued Ex.P17-Disability Certificate and assessed the disability at 40%. But since the said 40% disability is not stated to be a total disability and that 30% disability relates to movement in the right shoulder and 10% relates to rib bones of the injured, the Tribunal came to the conclusion that the injured suffered only 30% disability. Further, the Tribunal relied upon Ex.P18-Salary Certificate of the injured and accordingly taken the monthly income as Rs.8,000/-; arrived at the annual income at Rs.96,000/- and thereafter adopting the multiplier of 16, arrived at Rs.4,60,800/- for 30% disability. The Tribunal has correctly considered the materials and evidence, adopted the correct multiplier and awarded a sum of Rs.4,60,800/- as compensation, and in addition a sum of Rs.100/- towards medical bills, which in the considered opinion of this Court, does not require any interference.

7.In the result, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

8.The learned counsel for the appellant Insurance Company submitted that the entire award amount has been deposited and the claimant has also withdrawn the same fully. If not withdrawn, the same is permitted to be withdrawn by the first respondent / claimant, fully, on making proper application before the Tribunal.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

KM

To

The Motor Accidents Claims Tribunal
(Subordinate Judge) Cheyyar, at Thiruvannamalai District.

Copy to

The Section Officer,
VR Section, Madras High Court.

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gj[co]
srg 06/11/2019

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