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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2019

CORAM:

THE HON'BLE Mr. JUSTICE R.MAHADEVAN

Civil Miscellaneous Appeal Nos.3709 & 3710 of 2006
& M.P.Nos.2 & 2 of 2006

The National Insurance Company Ltd.,
No.751 Anna Salai,
Chennai - 21

... Appellant in both CMAs/
2nd Respondent

..vs..

1. K.Ulaganambi	... R-1 in CMA No.3709 / 2006/ Claimant
2. S.Jamal Basha	... R-1 in CMA No.3710 / 2006/ Claimant
2. S.K.Masthan	... R-2 in both CMAs/1st Respondent

Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicles Act, 1988, against the awards and decrees, dated 08.11.2005 made in M.C.O.P.Nos.1228 and 1558 of 2001 on the file of the Motor Accident Claims Tribunal, V Judge, Small Causes Court, Chennai.

For Appellant(in both CMA) : Mr. D.Baskaran
For R-1 in CMA No.3709/2006 &
For R-1 in CMA No.3710/2006 : Mr. V.Mohan Choudary.

C O M M O N J U D G M E N T

These Civil Miscellaneous Appeals have been filed by the Insurance Company, challenging the quantum of compensation awarded by the Claims Tribunal.

2. When the injured / first respondent(s) herein / claimants were walking on C.B.Road from north to south, an autorickshaw bearing Registration No.TN04-Z-5740 came rashly and negligently in the said road and hit the claimants from behind, thereby caused grievous injuries to the claimants. In respect of the said accident, the claimants / K.Ulaganambi and S.Jamal Basha, claimed a sum of Rs.1,75,000/- and Rs.1,30,000/- as compensation respectively.

3. As against the claims made, the Tribunal has awarded sums of Rs.43,000/- and Rs.35,500/-, respectively. Challenging the quantum as excessive, the Insurance Company has filed the



present Appeals.

4. Before the Tribunal, on the side of the claimants, apart from claimants, P.W.3-Doctor was examined and Exs.P-1 to P-11 were marked and on the side of the Insurance Company, no one was examined and no document was marked.

5. The Tribunal, based upon the facts, materials and evidence has arrived at the said sums as compensation with the following breakup details:

Head	MCOP No.1228/01	MCOP No.1558/01
Disablement compensation	25,000.00	20,000.00
Pain and sufferings	10,000.00	7,500.00
Transportation expenses	1,000.00	1,000.00
Extra Nourishment	1,000.00	1,000.00
Loss of earning during treatment period.	6,000.00	6,000.00
Total	43,000.00	35,500.00

6. This Court is of the opinion that, on the side of the appellant, no one was examined and no document was marked to speak about either the manner of accident or the injuries sustained by the claimants. There is no contra evidence available to weigh the grounds of the appellant. Had there been some materials produced by the appellant before the Tribunal, this Court would have analyzed the same and weighed the quantum awarded.

7. The object of awarding damages is to make good the loss suffered as a result of wrong done as far as money can do so, in a fair, reasonable and equitable manner. The Tribunal has assessed the damages objectively. Hence, considering the paucity of time and reduction in the value of money between 2000 and 2019, it may not be proper to interfere with the said quantum of compensation of Rs.43,000/- and Rs.35,500/-, respectively.

8. In such view of the matter, the compensation awarded under all the heads by the Tribunal are just, fair, reasonable and based on settled principles and therefore, there is no ground to interfere with the same.

9. In fine, these Civil Miscellaneous Appeals are dismissed. No costs. Consequently, the connected CMPs are closed.



10. The appellant / Insurance Company shall deposit the entire compensation amounts, 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 Accounts of the claimants / first respondent (s) herein, through RTGS, one week thereafter.

Sd/-
Asst.Registrar (CS V)

/true copy/
Sub Asst. Registrar

srk

To
1. Motor Accident Claims Tribunal, V Judge,
Small Causes Court,
Chennai.

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

+1 cc to Mr.D.Bhaskaran Advocate sr49309
+2 ccs to Mr.V.Mohan Choudary Advocate sr49360 & 49361

C.M.A.Nos.3709 & 3710 of 2006
& CMP Nos.2 & 2 of 2006

aa06/01/2020