

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 15.11.2019
CORAM

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

C.M.A.No.1482 of 2010

S.R.Navaneethan : Appellant/ Petitioner

Vs

1.R.Natarajan

2.The New India Assurance Co., Ltd.,
No.46, Moore Street,
'Regina Mansion',
Chennai-1. : Respondents/Respondents

Prayer: Civil Miscellansous Appeal filed under Section 173 of the Motor Vehicles Act against Judgment and Decree dated 06.01.2010 made in MACT.O.P.No.3180 of 2005, on the file of the III Small Causes Court (Motor Vehicle Accident Claims Tribunal), Chennai.

For Appellant : Mr.N.M.Muthurajan

For 1st Respondent : No appearance

For 2nd Respondent : Mr.M.Krishnamoorthy

JUDGMENT

Challenge made in this appeal is to the award passed by the Motor Accident Claims Tribunal (III Small Causes Court), Chennai, in MACT.O.P.No.3180 of 2005, dated 06.01.2010.

2.The brief facts of the case are that on 22.02.2005 at about 05:30 hours, when the appellant was riding his cycle from his residence to Market along Madhavaram High Road, a lorry bearing Registration No: TN-09-X-0216 came behind him and dashed against the cycle. In that process, the appellant herein sustained grievous injuries. Thus, the appellant herein, sought compensation of Rs.4,00,000/- on the ground that the driver of the offending vehicle was responsible for the accident.

3.The claim was opposed by the 2nd respondent Insurance Company disputing the manner of accident and their liability to pay compensation.

4.The Tribunal, upon consideration of oral and documentary evidence, came to the conclusion that the driver of the offending vehicle was responsible for the accident and awarded compensation of Rs.1,50,500/- with interest @ 7.5 % p.a. Aggrieved by the same, the claimant is before this court as appellant.

5.Heard both sides and perused the materials available on record.

6.The manner of the accident and the finding on negligence are not in dispute and the appeal is confined only to quantum of compensation awarded by the Tribunal.

7.It is contended by the learned counsel for the appellant that the tribunal awarded only just compensation when compared to the injuries sustained in the road accident and prays to enhance the compensation amount.

8.On the other hand, the learned counsel for the respondent submitted that the award is reasonable, which does not warrant any interference of this court.

9.In the instant case, it is not in dispute that the appellant was employed as a Manager in Tamil Nadu Corporation Milk Producers' Federation Ltd., Madavaram and thereby earning Rs.12,717/- per month and he was 58 years old at the time of accident. The Doctor has deposed that the claimant earning capacity is not affected, so no amount is awarded under the head loss of earning capacity; Rs.5,000/- towards transportation; Rs.5,000/- for Extra Nourishment and Rs.3,500/- towards Damage to clothing; Rs.27,000/- towards Medical Expenses; Rs.5,000/- towards Attender charges; Rs.40,000/- towards pain and sufferings; Rs.65,000/- for the head Partial and permanent disability. In total, the Tribunal has awarded Rs.1,50,500/- together with interest @ 7.5% p.a. This court is of the considered opinion that the award of the tribunal, based on the evidence is reasonable and warrants no interference of this court and the same is confirmed.

10.In the result, this Civil Miscellaneous Appeal is dismissed, confirming the award of the tribunal. No costs.

Sd/-

Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

smn

To

The III Judge, Motor Accidents Claims Tribunal-cum-
Small Causes Court, Chennai.

Copy to:

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

+lcc to Mr.M.Krishnamoorthy , Advocate SR.No. 95251

+lcc to Mr.N.M.Muthurajan , Advocate SR.No. 96127

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