

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2019

CORAM

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

C.M.A.NO.2744 OF 2010

P.K.Ponnappa

: Appellant/Claimant

Vs

1. R. Sekar

2. United India Assurance Co., Ltd.,
Motor Third Party Cell
No.38, Anna Salai,
Chennai - 600 102.

: Respondents/Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act against Judgment and Decree, dated 28.01.2010 passed in MACT.O.P.No.5544 of 2003 by 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.C.Paranthaman

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.5544 of 2003, dated 28.01.2010.

2.The brief facts of the case are that on 31.03.2003 at about 17:15 hours, when the appellant was riding his motor cycle TN-09-L-0567 from Tharamani to Anna Nagar along North Boag Road, an auto rickshaw TN-01-L-4226 dashed against the motor cycle. In that process, the appellant/claimant sustained severe injuries. Thus, the appellant 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.1,11,000/- with interest @ 7.5 % p.a. Aggrieved over 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 2nd respondent Insurance Company 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 Senior Lecturer in Polytechnic College of Printing Technology, Tharamani and thereby earning Rs.7,742/- per month and he was 45 years at the time of accident. The Tribunal fixed the monthly income of the injured at Rs.7,750/- and due to the accident, he is unable to work for at-least 2 months, hence Rs.15,500/- is awarded under the head loss of earnings; Rs.5,000/- towards transportation; Rs.5,000/- for Extra Nourishment; Rs.1,000/- towards Damage to clothing; Rs.7,500/- towards Medical Expenses; Rs.2,000/- towards Attender charges; Rs.10,000/- towards future medical expenses; Rs.20,000/- towards pain and suffering; Rs.45,000/- towards Partial and permanent disability. In total, the Tribunal has awarded Rs.1,11,000/- together with interest @ 7.5% p.a. This court is of the considered view 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 and the award of the tribunal is confirmed. No costs.

Sd/-

Assistant Registrar(CS VIII)

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Sub Assistant Registrar

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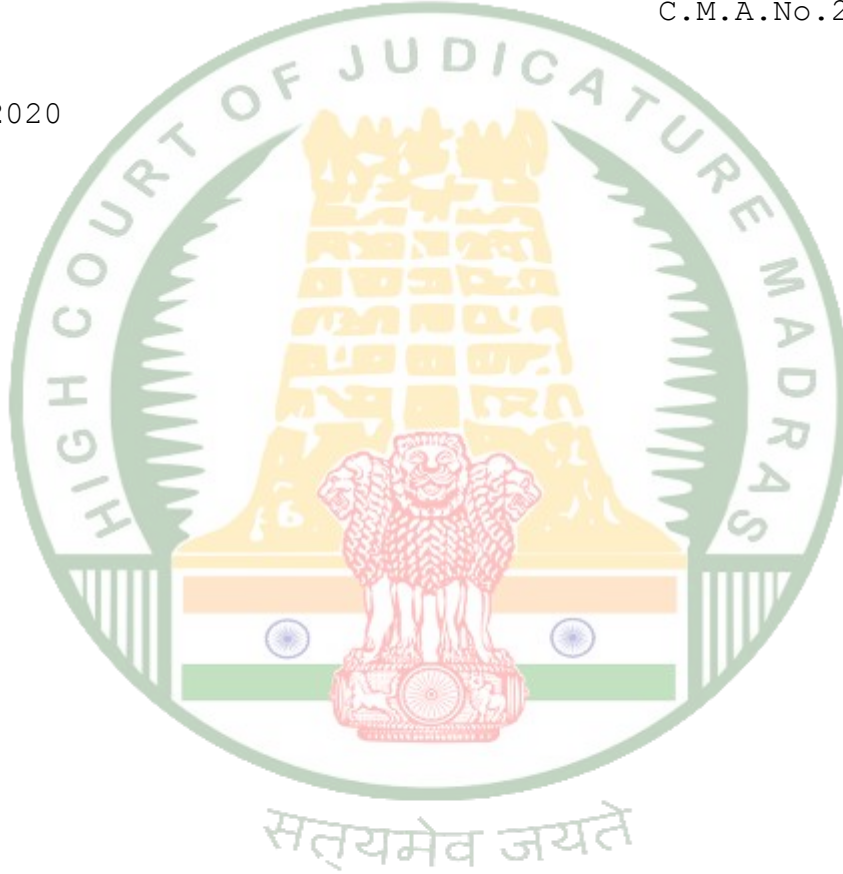
1. The Motor Accidents Claims Tribunal,
III Small Causes Court, Chennai.
2. The Section Officer,
VR Section, High Court,
Madras-104.

+lcc to Mr.N.M.Muthurajan, Advocate, S.R.No.96126

+lcc to Mr.C.Paranthaman, Advocate, S.R.No.95047

C.M.A.No.2744 of 2019

VBA(CO)
CS/15/12/2020



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