

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

C.M.A.NO.303 OF 2015

C.Vijayakumar

...Appellant/Petitioner

Vs.

1.N.Ramesh Kumar
(R1 set ex-parte in the Trial Court)

2.Shriram General Insurance Co. Ltd.,
No.66, Shriram General Inside City Centre Complex
Syed Thirumallai Pillai Road
T.Nagar, Chennai 600 017.

...Respondents/Respondents

Appeal under Section 173 of the Motor Vehicles Act, 1988
against the judgment and decree dated 24.09.2014 made in
MACT.O.P.No.5471 of 2013 on the file of the II Judge, Motor
Accidents Claims Tribunal (Court of Small Causes), Chennai.

For Appellant : Ms.P.T.Salim Fatima

For Respondents : Mr.S.Dhakshinamoorthy for R2
R1 - Exparte

JUDGMENT

This appeal is preferred by the appellant/claimant against
the award of a sum of Rs.30,000/- towards compensation due to
the injuries sustained by him in a motor vehicle accident.

2.The case in brief, is as follows:

On 25.08.2013 at about 7.10 hours, the appellant herein was
travelling as a pillion rider in the motorcycle bearing
Reg.No.TN-07-BL-7954 from East to West direction on the extreme
left side of the CTH Road. One Subbarayalu was driving the

motorcycle. When they reached opposite to Ambattur Industrial Estate Telephone Office, the first respondent's Car bearing Reg.No.TN-68-D-4749 and insured with the appellant Insurance Company, came from the opposite direction in a rash and negligent manner and hit the motorcycle. Due to the impact, both the rider and the pillion rider sustained grievous injuries. The appellant filed a claim petition before the Tribunal for the injuries sustained. On consideration of the materials and evidence available on record, the Tribunal has awarded a total compensation of Rs.30,000/- with interest at the rate of 7.5% per annum from the date of petition.

3.Challenging the same, the appellant/claimant has filed the present Civil Miscellaneous Appeal for enhancement of compensation.

4.The learned counsel for the appellant /claimant has submitted that the quantum of compensation awarded by the Tribunal is not in consonance with the injuries suffered by the appellant / claimant and hence the same has to be enhanced substantially.

5.The learned counsel appearing for the Insurance Company / second respondent has submitted that the Tribunal after analysing the oral and documentary evidence adduced by the parties has awarded just and fair compensation and hence, the same does not warrant any interference by this Court.

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

7.This is a claimant's appeal and hence there is no need for this Court to go into the findings of the Tribunal on negligence and the liability fastened on the second respondent / Insurance Company.

8.The appellant / claimant has been examined as P.W.1. Immediately after the accident, he was taken to the Government Kilpauk Medical College Hospital, Chennai and treated as out-patient. It is seen that the appellant has sustained abrasions in the left forearm, left elbow, left finger dorsum, right dorsum of hand, left occipital region with surrounding contusion. No bony injury has been found and the injuries sustained by him were only simple injuries. Since there was a possibility of incurring expenses only towards transportation, extra nourishment, damages to clothes and some expenses towards medicines and further, due to the injuries sustained he would have experienced pain, the Tribunal has awarded a consolidated sum of Rs.30,000/- towards all these heads. The Tribunal has correctly considered the materials and evidence and has

correctly awarded the compensation for the simple injuries sustained by the claimant and hence this Court is of the view that the compensation awarded by the Tribunal does not require any enhancement.

9. In the result, the Civil Miscellaneous Appeal is dismissed. No costs.

Sd/-
Assistant Registrar(MDU)

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Sub Assistant Registrar

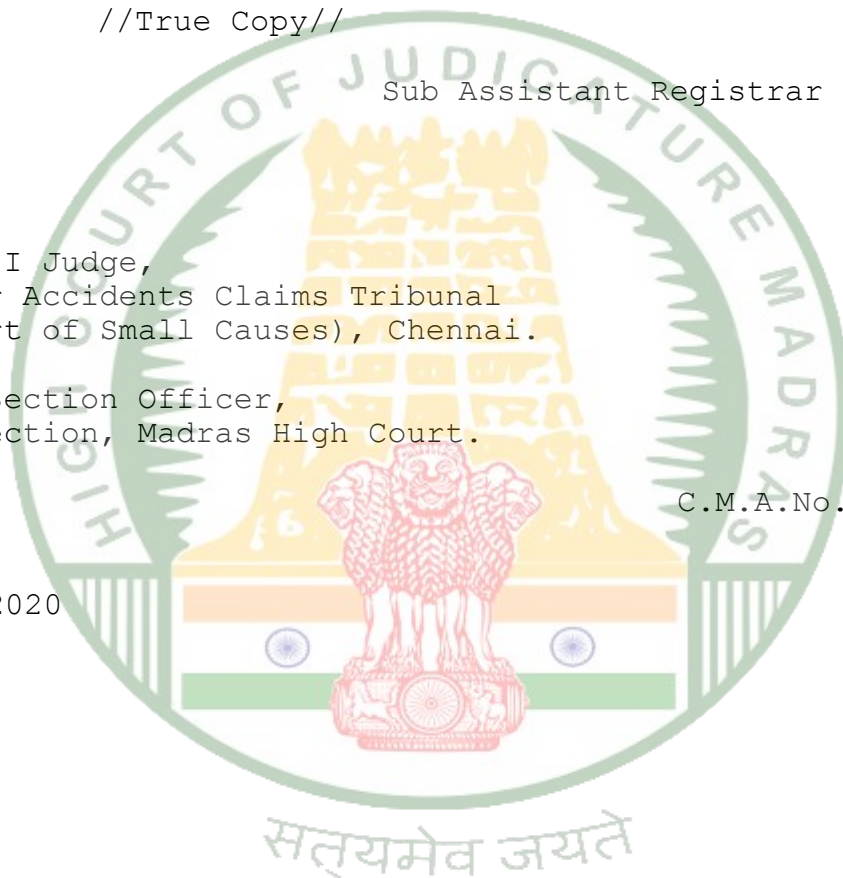
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To

1. The II Judge,
Motor Accidents Claims Tribunal
(Court of Small Causes), Chennai.
2. The Section Officer,
VR Section, Madras High Court.

C.M.A.No.303 of 2015

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