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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2019

CORAM :

THE HONOURABLE Mr.JUSTICE RMT.TEEKAA RAMAN

C.M.A.No.3524 of 2012

Kuppusamy ... Appellant / Petitioner

Versus

1. P.R.Vasu

2. ICICI Lombard Gen.Ins.Co.Ltd.,
No.140, Chottabai Centre,
Nungambakkam High Road,
Chennai - 34.

... Respondents / Respondents

Common Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and Decree dated 13.06.2012 made in M.C.O.P.No.451 of 2010, on the file of the Motor Accidents Claims Tribunal, Addl.District & Sessions Judge - III, Poonamallee.

For Appellant : Mrs.Ramya
for Mr.J.Mahalingam

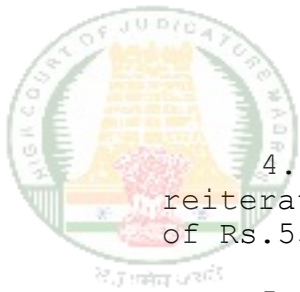
For Respondents : Exparte - R1
: Mrs.R.Sreevidhaya (for R2)

J U D G M E N T

Seeking enhancement of compensation the injured claimant has filed this appeal.

2.The facts of the case are not in dispute. The mode and manner of the accident is also not in dispute. So, this Court is not traversing into these aspects once again.

3.The learned counsel for the injured claimant states that he is sculptor in profession, earning Rs.10,000/- per month. In view of the amputation suffered by him, he is unable to do his regular work and the accident has caused substantial loss to him financially as well as physically. He further contended that the Tribunal ought to have adopted multiplier method and enhanced the compensation, considering the disability at 25% suffered by the claimant.



4.The learned counsel appearing for the Insurance company reiterated the reasons that weighed with the Tribunal for award of Rs.55,000/- and prayed for dismissal of this appeal.

5.I have heard the learned counsel on either side and perused the materials available on record, including the award passed by the Tribunal.

6.It is not in dispute that the appellant/injured has suffered "Amputation of right ring finger and little finger, fracture of 3rd metacarpal and other serious multiple injuries all over the body". It is further supported by the evidence of PW.2/Doctor, who issued the disability certificate/Ex.P3. However, the appellant/injured has not produced an iota of evidence to show that he was earning Rs.10,000/- per month by way of his avocation as sculptor. Therefore, in my considered opinion, the Tribunal was right in fixing the monthly income of Rs.3,000/- per month.

7.The amount awarded by the Tribunal under all other heads like Transportation, Pain and suffering and disability, in my considered opinion is just and proper and warrants no interference.

8.For the foregoing reasons, the Civil Miscellaneous Appeal is dismissed and the award passed by the Tribunal is confirmed. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

klt

To

1. The Motor Accidents Claims Tribunal,
Addl. District & Sessions Judge - III, Poonamallee.

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

+1 cc to Mrs.R.Sree Vidhya, Advocate, S.R.No.39465

C.M.A.No.3524 of 2012

PA(CO)
SSM(01/10/2019)