



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.845 of 2015

The National Insurance Co. Ltd.,
No.190 Anna Salai, II Floor,
Chennai 600 006. .. Appellant / 2nd Respondent

Vs.

1.K.Rani ..1st Respondent / Petitioner

2.M.Suresh ..2nd Respondent / 1st Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the award dated 15.10.2014, made in M.C.O.P.No.65 of 2014, on the file of the VI Court of Small Causes, (Motor Accident Claims Tribunal), Chennai.

For Appellant : Mr.S.Vadivel

For R1 : No appearance

J U D G M E N T

This Civil Miscellaneous Appeal has been filed by the appellant-Insurance Company, challenging the quantum of compensation granted by the award dated 15.10.2014, made in M.C.O.P.No.65 of 2014, on the file of the VI Court of Small Causes, (Motor Accident Claims Tribunal), Chennai.

2.The appellant-Insurance Company is the 2nd respondent in M.C.O.P.No.65 of 2014, on the file of the VI Court of Small Causes, (Motor Accident Claims Tribunal), Chennai. The 1st respondent filed the said claim petition, claiming a sum of Rs.3,00,000/- as compensation for the injuries sustained by her in the accident that took place on 15.06.2013.

3.The Tribunal considering the pleadings, oral and documentary evidence, held that the accident occurred due to rash and negligent riding by the rider of the motorcycle belonging to the 2nd respondent and directed the appellant-Insurance Company to pay a sum of Rs.2,65,900/- as compensation to the 1st respondent.



4. Challenging the quantum of compensation granted by the award dated 15.10.2014, made in M.C.O.P.No.65 of 2014, the appellant-Insurance Company has come out with the present appeal.

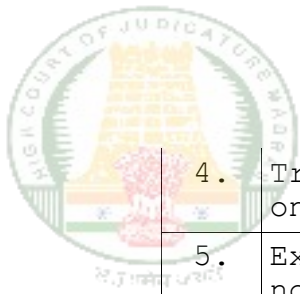
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5. Though the appellant has raised various grounds in the grounds of appeal, at the time of hearing, the learned counsel appearing for the appellant contended that he is questioning only the amount granted by the Tribunal towards loss of expectation of life. The learned counsel appearing for the appellant contended that the 1st respondent has not sustained any fracture and she has taken treatment as in-patient for only 7 days. The amounts granted by the Tribunal is excessive. The Tribunal has granted a sum of Rs.50,000/- towards loss of expectation of life in addition to the amounts granted for disability, loss of amenities and on other heads.

6. Heard the learned counsel appearing for the appellant and perused the materials on record. Though 1st respondent entered appearance through counsel, today there is no representation for her.

7. From the materials on record, it is seen that the 1st respondent has sustained head injury. She examined herself as P.W.1 to prove the nature of injuries, treatment taken and disability suffered by her. She also examined P.W.2-Doctor to prove the said contention. The Tribunal considering the materials available on record, granted compensation. The amounts granted by the Tribunal for transportation and attender charges are meagre and the same are enhanced to Rs.10,000/- each. The Tribunal has also granted a sum of Rs.50,000/- towards loss of expectation of life which is excessive. In view of the same, the amount granted by the Tribunal for loss of expectation of life is reduced by Rs.35,000/-. The amounts granted by the Tribunal towards other heads are just and reasonable and the same are confirmed. Thus, the compensation awarded by the Tribunal is modified as follows:

S.No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted
1.	Medical expenses	6,900/-	6,900/-	confirmed
2.	Disability	90,000/-	90,000/-	confirmed
3.	Loss of income	39,000/-	39,000/-	confirmed



4.	Transportation	5,000/-	10,000/-	enhanced
5.	Extra nourishment	5,000/-	5,000/-	confirmed
6.	Attender charges	5,000/-	10,000/-	enhanced
7.	Damages to clothes	5,000/-	5,000/-	confirmed
8.	Loss of amenities	30,000/-	30,000/-	confirmed
9.	Pain and suffering	30,000/-	30,000/-	confirmed
10.	Loss of expectation of life	50,000/-	35,000/-	reduced
	Total	2,65,900/-	2,60,900/-	Reduced by Rs.5,000/-

8. In the result, the appeal is partly allowed and compensation granted by the Tribunal at Rs.2,65,900/- is reduced to Rs.2,60,900/- along with interest and costs. The appellant-Insurance Company is directed to deposit the award amount along with interest and costs, within a period of six weeks from the date of receipt of a copy of this judgment, to the credit of M.C.O.P.No.65 of 2014. On such deposit, the 1st respondent/claimant is permitted to withdraw the award amount along with interest and costs, less the amount already withdrawn if any, by filing necessary application before the Tribunal. The learned counsel appearing for the appellant submitted that the entire amount has been deposited to the credit of M.C.O.P. Hence, the appellant-Insurance Company is permitted to withdraw the excess amount if any lying to the credit of M.C.O.P.No.65 of 2014. No costs.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

gsa



To

1. The VI Court of Small Causes,
(Motor Accident Claims Tribunal),
Chennai.

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

+1 cc to Mr.S.Vadivel, Advocate, S.R.No.32470

C.M.A.No.845 of 2015

CA(CO)
SSM(14/11/2019)