

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.No.33 of 2018

Senthil Kumar

... Appellant/Petitioner

Vs

1.M/s.Credential Technologies Pvt. Ltd.,
R.S.No.5/13 & 5/15 Road,
Mylam Road, Sedarpet,
Pondicherry - 605 111.

(Since 1st respondent remained exparte before
the tribunal its presence may be dispensed with)

2.IFFCO - TOKIO General Insurance Company Ltd.,
No.28, 2nd Floor, North Usman Road,
T.Nagar,
Chennai - 600 017.

... Respondents/Respondents

PRAYER : Civil Miscellaneous Appeal filed under Section 173 of
the Motor Vehicles Act, 1988 against the Judgment and Decree
dated 20.09.2016 made in M.A.C.T.O.P.No.1354 of 2010 on the file
of the Motor Accident Claims Tribunal (Special Sub Court No.2,
Motor Accident Claims Petitions), Small Causes Court, Chennai.

For Appellant : Mr.F.Terry Chellaraja
For 2nd Respondent : Mrs.K.Saraswathi for
Mr.C.R.Krishnamoorthy

J U D G M E N T

(Judgment of the Court was delivered by N.KIRUBAKARAN, J)

The appeal has been preferred by the claimant aggrieved over
the quantum of Rs.1,82,900/- for the disability sustained by the
claimant in the accident occurred on 26.09.2009, when he was
travelling as an occupant in a car from Pondicherry to
Thindivanam which was hit by a lorry belonging to the 1st
respondent insured with the 2nd respondent/insurance company
driven rash and negligently.

2.Heard Mr.F.Terry Chellaraja, learned Counsel for the
appellant and Mrs.Saraswathi, learned Counsel for the 2nd
respondent and perused the records.

3. There is no appeal by the Insurance Company and the claimant/appellant has come by way of an appeal questioning the adequacy and quantum of compensation awarded.

4. Though, Mr. F. Terry Chellaraja, learned Counsel for the appellant would submit that claimant sustained serious injuries and instead of applying multiplier method, only Rs.75,000/- was awarded for the disability sustained by the claimant, a perusal of the records would show that the claimant sustained grievous injuries of L/E - Abrasion (R) groin region, Tenderness (R) hip, Abrasion (R) Leg and Abrasion (L) Leg. The injuries sustained by him has been explained by PW2 Doctor and proved by Ex.P.32 viz., disability certificate. Because of Pelvic Bone fracture, the claimant has sustained back pain and spine movement has been reduced and restricted by 30 degrees.

5. Taking into consideration of the disability sustained and PW2 doctor's evidence, the tribunal rightly determined the disability at 25%, even though the doctor calculated the disability at 30%. For each percentage of disability, a sum of Rs.3,000/- was rightly determined and a sum of Rs.75,000/- was awarded towards compensation for disability.

6. Rs.25,000/- awarded towards Pain and Sufferings, Rs.21,000/- awarded towards loss of income, Rs.20,000/- awarded towards extra nourishment, Rs.5,000/- awarded towards transportation, Rs.1,000/- awarded towards damage to clothes, Rs.10,000/- awarded towards attendant charges and Rs.25,000/- awarded towards loss of amenities are very reasonable and the same are confirmed. The interest awarded by the Tribunal at the rate of 7.5% per annum is confirmed.

7. Hence, the Insurance company is directed to deposit the entire award amount as per the order of the Tribunal along with interest and costs after deducting the amount, if any, already deposited within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, the tribunal is directed to transfer the entire award amount to the claimant's account through RTGS within a period of one week.

8. In the result, the appeal filed by the appellant/claimant is liable to be dismissed and the same is accordingly, dismissed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

The Motor Accidents Claims Tribunal,
Special Sub Court No.2,
Small Causes Court,
Chennai.

Copy to

The Section officer
VR Section
High Court, Madras 104.

+1 CC to Mr.C.R.Krishnamoorthy, Advocate sr 58458.

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CNR(CO)
SP(13/10/2020)



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