

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2020

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.1224 of 2013
and M.P.No.1 of 2013

United India Insurance Co. Ltd.,
Division office II,
1st Floor, 104 A, Peramanur Main Road,
Salem - 636 007.

...Appellant/2nd Respondent

vs.

1.K.Ranganathan

...1st Respondent/petitioner

2.K.Periyasamy

...2nd Respondents/

2nd Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the award and decree dated 23.09.2005 made in MCOP.No.1244/03, on the file of the Motor Accident Claims Tribunal (Sub-Court) at Krishnagiri.

For Appellant : Ms.Malar

For Respondents : Mr.Ma.P.Thangavel for R1

JUDGMENT

(This Appeal was taken up for hearing through Video Conferencing)

This appeal has been filed by the Insurance Company challenging the Award dated 23.09.2005 passed by the Motor Accident Claims Tribunal (Sub Court, Krishnagiri) in MCOP.No.1244 of 2003.

2.The Insurance company has challenged only the quantum of compensation awarded by the Tribunal to the first respondent. The first respondent sustained injuries while he was travelling as a passenger in a bus insured with the Appellant. The insured bus fell in a pit which resulted in injuries sustained by the first respondent.

3.The first respondent preferred a claim before the Motor Accident Claims Tribunal seeking compensation of Rs.3,00,000/- against the Appellant as well as the second respondent insurance

company for the injuries sustained by him.

4.Heard Ms.Malar, learned counsel for the Appellant and Mr.Ma.P.Thangavel, learned counsel for the first respondent.

5.According to the first respondent, he sustained injuries on his forehead, stomach and left thumb and it is his case that his left thumb got fractured and due to the same, he was having continuous pain. It is also his case that he was treated as an inpatient in the Government Head Quarters Hospital, Dharmapuri and thereafter, he was treated in private hospitals.

6.Before the Tribunal, the first respondent has filed five documents which were marked as Exs.P1 to P5 which includes the wound certificate (Ex.P2) and disability certificate (Ex.P4). On the side of the first respondent, two witnesses were also examined namely the first respondent himself (PW1) and an eye-witness to the accident (PW2). On the side of the Appellant insurance company, neither any witness was examined nor any document filed before the Tribunal.

7.The accident and the nature of injuries sustained by the first respondent have not been disputed by the Appellant insurance company. They are only disputing the quantum of compensation awarded to the first respondent/claimant under various heads. The Tribunal has awarded a total compensation of Rs.1,75,000/- together with interest at 9% per annum from the date of claim till the date of realisation as detailed hereunder:

For the Injuries sustained	
due to the accident	- Rs.50,000/-
Pain and suffering	- Rs.30,000/-
Permanent disability	- Rs.50,000/-
Loss of future earning	- Rs.30,000/-
Loss of income	- Rs.6,000/-
Damage to articles and clothes	- Rs.5,000/-
Medical expenses	- Rs.3,000/-
Extra nourishment	- Rs.1,000/-

Total	Rs.1,75,000/-

8.The claim of the first respondent as seen from the Award has been substantiated by the documents which have been marked as Exs.P1 to P5 and the oral evidence of PW1 and PW2. The Tribunal has rightly considered the same and only thereafter has passed the impugned award of Rs.1,75,000/- to the first respondent/claimant. However, the Tribunal has awarded interest at the rate of 9% per annum which is excessive as it is a

settled practice followed by all the Tribunals that the interest to be awarded is only at 7.5% per annum. Excepting for this irregularity committed by the Tribunal, the quantum of compensation under various heads awarded by the Tribunal is a just compensation and does not call for any interference by this Court.

9. For the foregoing reasons, this Appeal is partly allowed by modifying the interest portion alone at 7.5% per annum from the date of claim till the date of realisation instead of 9% per annum as awarded by the Tribunal. In respect of various heads under which the compensation has been awarded by the Tribunal is concerned, the same is confirmed. The Appellant is directed to deposit the award amount of Rs.1,75,000/- together with interest at 7.5% per annum from the date of claim till the date of realisation, after deducting the amount already deposited if any, to the credit of MCOP.No.1244 of 2003 within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit being made, the first respondent is permitted to withdraw the amount lying to the credit of MCOP.No.1244 of 2003 along with accrued interest by filing an appropriate application. No costs. Consequently, connected miscellaneous petition is closed.

-Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

1.The Motor Accident Claims Tribunal
(Sub-Court) at Krishnagiri.

C.M.A.No.1224 of 2013

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