

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2020

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.M.A.No.3390 of 2019

Naveenkumar

.. Appellant/Petitioner

vs.

1.Karunanithi

2.United India Insurance Company Limited
146N, Kumar Complex,
Tiruchengode Taluk,
Namakkal District.

... Respondents/Respondnts

Prayer: The Civil Miscellaneous Appeal is preferred under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree in MCOP.No.99 of 2012 dated 01.08.2018 on the file of the Motor Accident Claims Tribunal/Subordinate Judge Court, Tiruchengode.

For Appellant : Mr.T.S.Arthanareeswaran

For Respondents : No-appearance for R1

R2 - Mr.C.Paranthaman

J U D G M E N T

The appeal is filed challenging the judgment and decree dated 01.08.2018 passed in M.C.O.P.No.99 of 2012 on the file of the Motor Accident Claims Tribunal/Sub-ordinate Judge, Tiruchengode.

2. The accident occurred on 04.09.2012 at about 8.30 a.m., near Namakkal to Tiruchengode Main Road, Elayampalayam. The Tiruchengode Rural police station registered a case in Crime No.614 of 2012 under Sections 279, 338 IPC. The appellant is the claimant and the claim petition was adjudicated by the Tribunal with reference to the documents and evidence produced by the respective parties.

3. The learned counsel for the appellant mainly contended that the appellant/claimant sustained grievous injuries. Therefore, award of compensation granted by the Tribunal is not in commensuration with the gravity of the injuries sustained by the appellant/claimant. The appellant was working as a Coolie and earning a sum of Rs.10,000/- per month. Due to the accident, the claimant was unable to perform his regular duties. The learned counsel appearing on behalf of the appellant relying on the wound certificate contended that the nature of wound sustained by the claimant is grievous in nature. Therefore, the total compensation is to be enhanced.

4. The learned counsel appearing on behalf of the second respondent/Insurance Company disputed the contention by stating that the injuries are not grave in nature and also, the Doctor assessed the disability as 5%. Thus, the compensation awarded by the Tribunal is a reasonable one and the appeal is to be dismissed.

5. This Court is of the considered opinion that the accident was established by the claimant before the Tribunal and the Tribunal made a finding that the driver of the lorry had committed an act of negligence. Accordingly, the second respondent/Insurer of the lorry is made liable to pay compensation. As far as the quantum of compensation is concerned, the Tribunal granted a sum of Rs.2,22,488/-. Further, considering the disability certificate, the appellant/claimant was directed to appear before the Medical Board and the Doctor assessed the disability as 5%. In view of the fact that the disability was assessed by the Medical Board as 5%, this Court is of the considered opinion that wounds sustained did not cause any permanent disability. Therefore, the award deserves no interference. Accordingly, the Judgment and Decree dated 01.08.2018 passed in M.C.O.P.No.99 of 2012 stands confirmed and the Civil Miscellaneous Appeal is dismissed. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

ssb

To

1.The Motor Accident Claims Tribunal,
Subordinate Judge Court, Tiruchengode.

+1cc to Mr.C.Paranthaman, Advocate, S.R.No.29601

C.M.A.No.3390 of 2019

SSV(CO)
CB(22/04/2021)



WEB COPY