



and pain and suffering, since the injury has caused functional disability to the claimant.

5. The learned counsel for the Insurance Company would submit that the Tribunal had failed to note that the claimant has contributed to the accident, when it was his negligence which has resulted in the accident. Without any proof for income, the Tribunal has awarded Rs.18,000/- towards loss of earning. Further the airline fractured in the wrist, the claimant was treated for 3 days and discharged. There is no functional disability or partial permanent disability to the claimant. However, the Tribunal has awarded Rs.40,000/-, which is excessive and exorbitant.

6. This Court finds that the Tribunal has taken note of all the exhibits relied by the claimant and the respondent/Insurance Company. Since the Motor Vehicle Inspector report indicates that the rider of the offending vehicle had no driving license, the Tribunal has directed the 2nd respondent/Insurance Company to pay the claimant and recover from the vehicle owner.

7. On holistic consideration of the award, this Court finds that the claimant has been adequately compensated and finds no reason to enhance the compensation awarded by the Tribunal. Hence the Civil Miscellaneous Appeal is dismissed. No costs.

8. The Insurance Company is hereby directed to deposit the award amount with 7.5% interest from the date of claim petition till the date of realisation, if so far not deposited. On such deposit, the claimant is permitted to withdraw the award amount after filing appropriate petition. The Insurance Company shall recover the same from the owner of the vehicle.

Sd/-
Assistant Registrar(CS-VIII)

//True copy//

Sub Assistant Registrar

rpl

To

The Motor Accident Claims Tribunal,
Subordinate Court, Tiruchengode.

+1cc to Mr.S.Arunkumar, Advocate SR.No.29429

C.M.A.No.1920 of 2016

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GM (08/09/2021)