

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2020

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

C.M.A.No.3153 of 2013

R.Sabarinathan ... Appellant/Petitioner

Vs.

1.M.Dhomas

2.J.Vincent Miranda

3.Silambarasan

4.The Branch Manager,
The United India Insurance Company Ltd,
Neela South Street,
Nagapattinam Town & District ... Respondents/Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the decree and Judgment dated 09.03.2011 made in M.C.O.P.No.197 of 2010 on the file of Motor Accident Claims Tribunal, Chief Judicial Magistrate, Nagapattinam.

For Appellant : Mr.M.Thamizhavel

For R1 to R3 : No appearance

For R4 : Mr.D.Bhaskaran

J U D G M E N T

The Civil Miscellaneous Appeal is filed by the appellant seeking enhancement of compensation granted by the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Nagapattinam, in the Award dated 09.03.2011 made in M.C.O.P.No.197 of 2010.

2. The appellant is the claimant in M.C.O.P.No.197 of 2010 on the file of Motor Accident Claims Tribunal, Chief Judicial Magistrate, Nagapattinam. He filed the said claim petition claiming a sum of Rs.10,00,000/- as compensation for the injuries sustained by him in the accident that took place on 06.04.2008.

3. The case of the appellant is that on 06.04.2008 at about 11.00 AM, in order to go to his sister's house situated at Thirukuvalai, the appellant and his friend namely Sathiyaraj were proceeding in a Motor Cycle bearing Regn.No.TN-51-D-6379 TVS Star Sport, which was driven by his friend from East to South direction, and when they came near Chozhavidhyapuram bus stand, the first respondent's Tractor bearing Regn.No.TN-51-C-9068 was driven by the second respondent in a rash and negligent manner from the opposite direction and dashed against the third respondent's motor cycle. As a result, the appellant and his friend fell down and the appellant sustained injuries on the back side of his head and all over the body.

4. The Tribunal, considering the pleadings, oral and documentary evidence, held that the accident occurred due to rash and negligent driving by the driver of the tractor, belonging to the first respondent and insured with the fourth respondent and directed the third respondent to pay a sum of Rs.1,79,600/- as compensation to the appellant. Not being satisfied with the amount awarded by the Tribunal, the appellant has come out with the present appeal seeking enhancement of compensation.

5. Heard Mr.M.Thamizhavel, learned counsel appearing for the appellant and Mr.D.Bhaskaran, learned counsel appearing for the fourth respondent and perused the materials available on record.

6. A perusal of the records show that the both the appellant herein and his friend have sustained injuries. Immediately, both the appellant and his friend were taken to the Government Hospital, Nagapattinam for treatment and considering the serious condition of the appellant, he was admitted in Thanjavur Vinothagan Memorial Hospital for further treatment and there he took treatment as an inpatient from 06.04.2008 to 21.05.2008. During treatment period, operations were performed on his throat, head and chest. Considering the nature of injuries sustained by the appellant/claimant, the Tribunal has awarded a sum of Rs.25,000/- under the head "grievous injuries", which is just and reasonable and the same is hereby confirmed. After considering the medical receipts and bills, the Court below has awarded a sum of Rs.1,54,594/- towards "medical expenses", which is also reasonable. Hence, this Court is not inclined to interfere with the same. Thus, the total compensation awarded by the Tribunal and this Court reads as follows:

S.No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted
1.	Grievous Injuries	25,000/-	25,000/-	confirmed
2.	Medical Expenses	1,54,594/-	1,54,594/-	confirmed
	Total	Rs.1,79,594/- rounded off by Rs.1,79,600/-	Rs.1,79,600/-	Confirmed

7. In the result, this Civil Miscellaneous Appeal is dismissed and the compensation of Rs.1,79,600/- awarded by the Tribunal is hereby confirmed together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit. The fourth respondent is directed to deposit the Award amount passed by the tribunal along with interest and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit, the appellant/claimant is permitted to withdraw the Award amount along with interest and costs. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sbn
To

1. The Motor Accident Claims Tribunal,
Chief Judicial Magistrate,
Nagapattinam.

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

+1cc to Mr.M.Thamizhavel, Advocate Sr.16098

+1cc to Mr.D.Bhaskaran, Advocate Sr.16133

C.M.A.No.3153 of 2013

mp[co]
srg 26/03/2021