

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A. No. 319 of 2017

Natarajan

..Appellant/Petitioner

Vs.

1. Karthik

2. The Branch Manager,
Bharti AXA General Insurance Co. Ltd.,
Salem.

.. Respondents/Respondents

Prayer: This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the decree and judgment dated 06.10.2016 made in M.C.O.P.No.142 of 2013 on the file of the Motor Accident Claims Tribunal, Principal Subordinate Judge, Puducherry.

For Appellant : Mr.T.Ananthasekar

For Respondents: Mr.Srinivasan Ramalingam
[For R2]

JUDGMENT

This appeal is preferred against the judgment and decree dated 16.10.2016 passed in M.COP No. 142 of 2013.

2. The accident occurred on 14.03.2012 at 03.45 a.m. at Sengam to Singarapettai Road, Melsengam at Karumangulam. The petitioner sustained severe injury on account of the accident. Claim petition was filed seeking a compensation of Rs.20,00,000/-. The Tribunal adjudicated the issues with reference to the documents and evidences produced by the respective parties and arrived a conclusion that respondents 1 and 2 are liable to pay compensation to the claimant. The factum regarding the accident was also established and the said accident occurred due to the rash and negligent driving of the vehicle bearing registration No. TN-29-AL-3979 belonging to the first respondent by its rider. While fixing the quantum of compensation the Tribunal assessed the partial permanent disability as 40% for the purpose of calculating the

compensation. Though the Doctors has given the disability certificate on the higher percentage, the Tribunal has taken over all partial permanent disability and fixed the disability as 40% for the purpose of calculating the compensation. Accordingly, a sum of Rs. 3,000/- per percentage was awarded and a total sum of Rs.1,20,000/- was granted towards disability compensation and the Tribunal granted Rs.5,000/- each towards nutritious food, transport expenses and loss of income. Considering the nature of injury and as per the deposition of PW3 during the cross examination has deposed that the petitioner sustained injury and lost left lower central and lateral incisor of 1,2 teeth and the petitioner also underwent root canal treatment in 2, 1 teeth right lower incisors. Thus, the petitioner has undergone various medical treatment. However, the percentage of disability was fixed at 40% as partial permanent disability. This being the factum, this Court do not find any perversity or infirmity in respect of the quantum of compensation granted.

3. In view of the fact that adequate compensation has been granted by the Tribunal, there is no scope for further enhancement of compensation in this appeal. Accordingly, the judgment and decree dated 16.10.2016 passed in M.C.O.P. No. 142 of 2013 is confirmed and C.M.A. No. 319 of 2017 stands dismissed. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

Maya
To

1.The Principal Subordinate Judge
Motor Accidents Claims Tribunal
Puducherry.

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

C.M.A. No. 319 of 2017

RLD(CO)
SP(30/11/2020)