

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2020

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

C.M.A. No.549 of 2017

S.Prabhudeva

... Appellant/Claimant

Vs

1.M/s. ABN AMRO Bank NV,
No.19/1, Haddows Road
Nungambakkam,
Chennai - 600 034.

2.Royal Sundaram Alliance Insurance Co. Ltd.,
Subramaniam Buildings,
No.1, Club House Road,
2nd Floor, Anna Salai,
Chennai - 600 002.

... Respondents/Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 09.09.2016 made in MACT O.P. No.1276 of 2013 on the file of the III Judge, Motor Accidents Claims Tribunal (Court of Small Causes), Chennai.

For Appellant : Mr. K.Suriya Narayanan
for Mr. M.Swamikannu

For Respondent 1 : No Appearance
2 : Mr. Rathna Thara

JUDGMENT

This appeal is preferred by the appellant/claimant for the enhancement of award passed in MACT O.P. No.1276 of 2013 on the file of the III Judge, Motor Accidents Claims Tribunal (Court of Small Causes), Chennai.

2. It is seen that the appellant met with an accident and suffered injury. The Motor Accidents Claims Tribunal considered the injury as a simple injury and based on appreciation of

evidence, has awarded only a sum of Rs.40,000/- to the appellant. No amount was awarded towards loss of earning as the injury was considered as simple injury.

3. Learned counsel for the appellant relied upon the evidence of P.W.4. Though the discharge summary was not produced, learned counsel for the appellant pointed out that the case sheet was marked and it indicates that there was a fracture in the left knee. The Doctor who was examined as P.W.4 has given certificate that the disability of the appellant was 35%. Learned counsel for the second respondent contended that P.W.4 is not a competent person and his evidence regarding the disability is not supported by any scientific analysis.

4. This Court is of the opinion that the disability of 10% can be accepted having regard to the nature of injury and number of days the appellant had stayed in hospital and thereafter, for taking treatment. Accepting Rs.2,000/- (Rupees Two Thousand Only) towards loss of earning for 1%, the appellant is entitled to a sum of Rs.20,000/- (Rupees Twenty Thousand Only) towards loss of earning on account of disability.

5. Therefore, this Civil Miscellaneous Appeal is partly allowed by enhancing the compensation from Rs.40,000/- to Rs.60,000/-. Accordingly, the award passed by the Tribunal in MACT O.P. NO.1276 of 2013 is modified by awarding a sum of Rs.60,000/- as compensation to the appellant and the appellant is entitled to an interest at rate of 7.5% per annum till the deposit of compensation. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

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To

The III Judge, Motor Accidents Claims Tribunal,
(Court of Small Causes),
Chennai.

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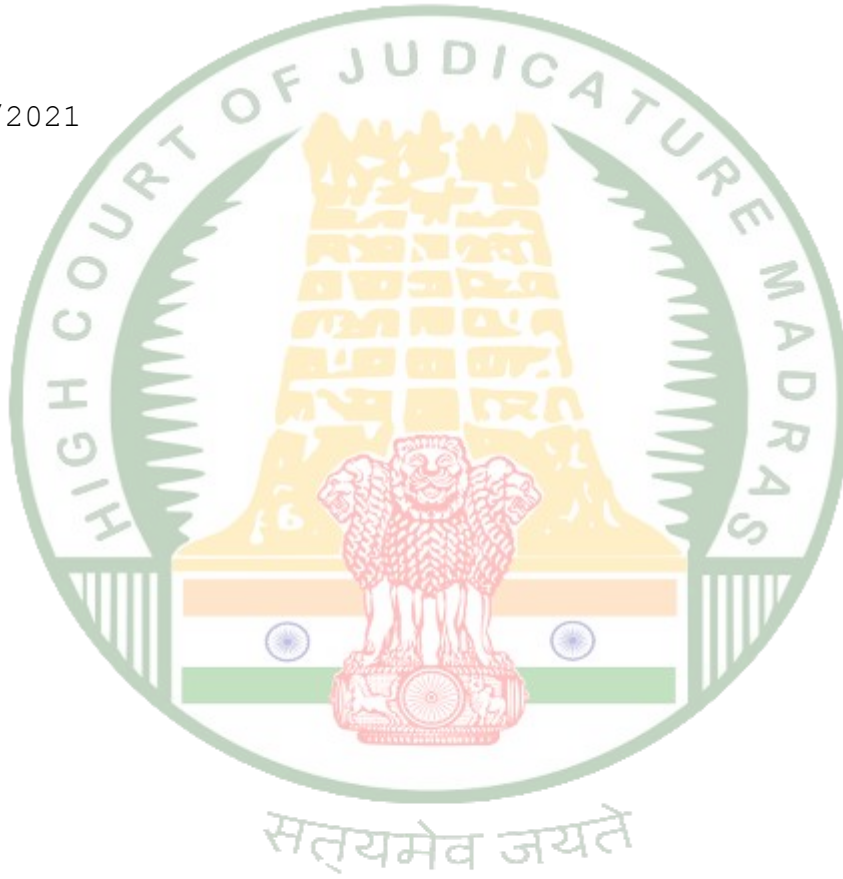
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The Section Officer,
VR Section,
High Court fo Madras.

+lcc to Mr.Srinivasan Ramalingam, Advocate Sr.34502

C.M.A. No.549 of 2017

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