

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

C.M.A.No.550 of 2017

S.Pullaiah

.. 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

Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 09.09.2016 made in MACT.OP No.1277 of 2013 on the file of the III Judge, Motor Accidents Claims Tribunal (Court of Small Causes), Chennai.

For Appellant : Mr.M.Swamikkannu

For Respondents : Ms.Rathna Thara for
M/s.Srinivasan Ramalingam for R2

R1 : Exparte

JUDGMENT

This appeal is preferred by the appellant/claimant against the award of a sum of Rs.53,200/- towards compensation due to the injuries sustained by him in a motor vehicle accident.

2.The case in brief, is as follows:

On the fateful day, ie. on 16.02.2013 at about 12.30 hours, the appellant was riding the motorcycle bearing Reg.No.TN-20-AB-5789, along with pillion rider, from South to North direction in the Rajah Annamalai Road, Chennai. When he was proceeding opposite to M.Ct.Muthaiah Chettiar Higher Secondary School, Purasawalkam, the car bearing Reg.No.TN-01-V-7713 came from behind at high speed in a rash and negligent manner and dashed against the motorcycle which was ridden by the appellant. Due to the said impact, both the appellant and pillion rider sustained

fractures and injuries. The appellant filed a claim petition before the Tribunal, claiming a sum of Rs.3,00,000/- as compensation. On consideration of the materials and evidence available on record, the Tribunal has awarded a total compensation of Rs.53,200/- with interest at the rate of 7.5% per annum from the date of petition.

3.Challenging the same, the appellant-claimant has filed the present Civil Miscellaneous Appeal for enhancement of compensation.

4.The learned counsel for the appellant /claimant has submitted that the Tribunal has not awarded any amount towards loss of amenities, continuing permanent disability and loss of earning power. It is also submitted that the amounts awarded towards other heads by the Tribunal, are also meagre. Stating so, the learned counsel prayed for enhancement of compensation.

5.The learned counsel for the second respondent / Insurance Company has submitted that the Tribunal has rightly considered the materials and evidence available on record and has awarded the just, fair and reasonable compensation and hence the same does not require any interference at the hands of this Court.

6.Heard the learned counsel for the appellant and the learned counsel for the second respondent and perused the materials available on record carefully and meticulously.

7.The details of compensation awarded by the Tribunal are as follows:

HEADS	AMOUNT (Rs.)
Loss of income	14,116/-
Transport to hospital	3,000/-
Extra nourishment	5,000/-
Damages to clothing	1,000/-
Pain and suffering	20,000/-
Damages for Mental and physical shock	10,000/-
TOTAL...	53,116/-

(Rounded off to Rs.53,200/-)

8.Even though the appellant claimed that he sustained grievous injuries, on considering the medical records, it was found that there were simple injuries in the left fore arm, left

knee joint and right fore arm of the appellant. No in-patient treatment taken and no Discharge Summary filed before the Tribunal. No bony injury was found and no surgery was done. Above all, no Doctor was examined to ascertain the disability. Taking note of the fact that the appellant sustained only simple injuries and not grievous injuries, the Tribunal has awarded a sum of Rs.20,000/- towards pain and suffering, Rs.10,000/- towards mental and physical shock and Rs.5,000/- towards extra nourishment. The Tribunal has also awarded a sum of Rs.3,000/- towards transport to hospital and Rs.1,000/- towards damages to clothing. The Tribunal has also awarded a sum of Rs.14,116/- being the net monthly salary the appellant was receiving, towards loss of income, on the ground that he would not have attended the office for one month, because of the injuries sustained, taking note of Ex.P9-Salary Slip.

9.The Tribunal has relied upon the exhibits, evidence of witnesses, treatment records and all other aspects in a proper perspective and has awarded the compensation under various heads to the appellant/claimant. Further, this Court is of the considered view that the amounts awarded towards various heads are reasonable and justifiable and hence the same are confirmed.

10.In the result, the Civil Miscellaneous Appeal is dismissed. No costs.

11.The second respondent Insurance Company is directed to deposit the compensation with interest as ordered by the Tribunal, less the amount if any already deposited, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit being made, the appellant / claimant shall withdraw the same, on making proper application before the Tribunal.

सत्यमेव जयते
Sd/-
Assistant Registrar

//True Copy//

WEB COPY
Sub Assistant Registrar

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To

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

Copy to :
The Section Officer,
VR Section,
High Court,
Madras.

C.M.A.No.550 of 2017

RSV (CO)
RMP (21/01/2021)



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