

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :16.03.2020

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A.No.651 of 2017

S.Senthil Kumar

..Appellant/Petitioner

Vs.

1.R.Gopal

2.United India Insurance Company Limited,
No.38, Anna Salai,
Chennai-600 002.
(The 1st respondent remained ex-parte before
the lower Court).

..Respondents/Respondents

Prayer : Civil Miscellaneous Appeal filed under Section 173 of
the Motor Vehicles Act, 1988 against the Judgment & Decree dated
24.12.1998 made in M.C.O.P.No.1240 of 1996, on the file of the
II Court of Small Causes(Motor Accidents Claims Tribunal),
Chennai.

For Petitioner : Mr.R.Kalai Arasan

For Respondents : Mr.Thenmozhi Shivaperumal
for R1.

Mr.P.Sankaranarayanan for R2

J U D G M E N T

The appeal is filed by the claimant seeking enhancement of
compensation.

2. The accident occurred on 19.11.1995 at about 14.00 hrs at
Arunachalam Road in front of Prasad Labarotrarry, Vadapalani,
Madras. On account of accident, the claimant sustained fracture
and injuries all over the body. The claim petition was filed
seeking a compensation of Rs.1,25,000/-. The Tribunal considered
the issues and found that the factum regarding the accident was
established. Therefore, the Insurance Company is liable to pay
the compensation. As far as the quantum of compensation is
concerned, the Tribunal awarded a sum of Rs.50,800/-.

3. The learned counsel appearing for the appellant mainly contended that the loss of income has not been ascertained properly which resulted denial of just compensation to the claimant. The nature of injuries sustained by the claimant are serious in nature and therefore, the compensation awarded by the Tribunal is inadequate.

4. This Court is of the considered opinion that the injury caused partial permanent disability and the Tribunal fixed the partial permanent disability as 35%. This being the factum and further accident occurred in the year 1995, there is no reason whatsoever to enhance the compensation, at this length of time and the appeal itself is filed in the year 2000 and numbered in the year 2017. Under these circumstances, this Court is not inclined to interfere with the quantum of compensation awarded by the tribunal and accordingly, the judgment and decree dated 24.12.1998 passed in M.C.O.P.No.1240 of 1996 is confirmed and consequently, Civil Miscellaneous Appeal stands dismissed. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ssb

To

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

Copy to

The Section officer
VR Section
High Court, Madras 104.

+1 CC to Mr.N.M. Muthurajan, Advocate sr 24193.

+1 CC to Mr.P.Sankaranarayanan, Advocate sr 23387

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LN (CO)
SP (20/08/2020)