



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 19.11.2020
CORAM

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

WEB COPY

C.M.A(MD) No.920 of 2006

Minor Vignesh,
through his mother and guardian
Muthuvadivu

... Petitioner/Appellant

vs.

1.K.V.Suresh

2. The United India Insurance Company Limited,
through its Branch Manager,
Tenkasi.

... Respondents 1 and 2/Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and Decree made in M.A.C.O.P.No.55 of 2003, dated 15.4.2005 on the file of the Motor Accident Claims Tribunal(Sub-Court), Ambasamudram, insofar as the quantum is concerned.

For Appellant : Mr.S.S.Thesigan
For Respondent-1 : Dismissed vide order of this
Court, dated 29.11.2017

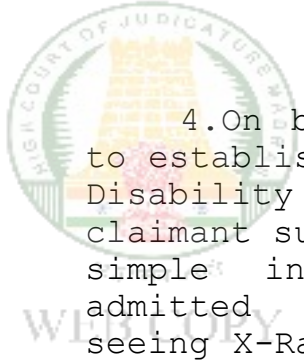
For Respondent-2 : Mr.R.Srinivasan

J U D G M E N T

This Civil Miscellaneous Appeal has been preferred against the award passed by the Motor Accident Claims Tribunal(Sub-Court), Ambasamudram in M.C.O.P.No.55 of 2003, dated 15.4.2005, by the claimant seeking enhancement of compensation.

2.According to the appellant/Claimant, on 7.6.2003 when he was travelling as a passenger in a van bearing Registration No.TN72 Y 3146, it hit against the lorry bearing Registration No.KA-05-C-9599. In the accident, he along with other passengers suffered injuries.

3.The claim petition was taken along with three other claim petitions arising out of the same accident and by a common judgment, the Tribunal held that the driver of the van was responsible for the accident and awarded compensation of Rs.30,000/-. This finding on negligence and quantum was not challenged by the respondents herein and this appeal has been filed by the claimant only for enhancement of compensation.



4. On behalf of the claimant, P.W.5-Dr. Prema Rani was examined to establish that he sustained 45% of disability. Perusal of Ex.P53-Disability Certificate and Ex.P29-Wound Certificate show that the claimant suffered two grievous injuries and the other injuries are simple in nature. In the course of cross examination, the Doctor admitted that Ex.P53-Disability Certificate was issued without seeing X-Ray. It is also admitted that he did not give treatment to the claimant. Furthermore, there is no signature in Ex.P13 and Ex.P30-Medical Bills. After assessing the oral evidence and relevant materials, the Tribunal, in my view, rightly awarded compensation of Rs.30,000/- along with 9% interest.

5. Since no additional materials have been brought on record, this Court is not in a position to enhance the compensation as sought for by the appellant. In that view, the Civil Miscellaneous Appeal fails and the stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

vsn

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

The Motor Accident Claims Tribunal,
(Subordinate Judge), Ambasamudram.

Copy to: The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai. (2)

JUDGMENT MADE IN
C.M.A(MD) No.920 of 2006
19.11.2020

KM(CO)
CS(31.12.2020) 2P 4C