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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2021

CORAM:

THE HONOURABLE MRS.JUSTICE S. KANNAMMAL

C.M.A.No.1387 of 2018

S.Jayaveeran

...Appellant/Petitioner

Vs.

1.M.Chandra

2.The Divisional Manager

National Insurance Company Limited,

DO. No. 110, J.N.Street,

Puducherry-605 001

...Respondents/Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act 1988 for enhancement of compensation in award and decree dated 08.02.2018 made in MCOP No.2990 of 2012 on the file of the Motor Accident Claims Tribunal, II Additional Subordinate Court, Cuddalore.

For Appellant :Mr.R.Sreedhar

For R1 :ex-parte

For R2 :M/s. R.Sree vidhya

JUDGMENT

The appellant challenges the award passed by the Motor Accident Claims Tribunal, II Additional Subordinate Court, Cuddalore in MCOP No.2990 of 2012, dated 08.02.2018.

2.The claimant has come up with this appeal seeking enhancement of compensation for the injuries sustained by him in an road accident. On 06.11.2012 at 16 hours, the appellant Jayaveeran was riding his moped bearing Reg.No.PY-01-E-7309 from south to north keeping extreme left opposite to Kamatchi Shanmugam Matriculation School, Sivananthapuram, Cuddalore O.T. At that time, a Mahindra Van bearing Reg.No.TN-21-Q-6249 driven by its driver in a rash and negligent manner, dashed against the appellant/claimant. In the accident, the appellant sustained grievous injuries all over the body. Alleging that the accident occurred only due to the rash and negligent driving of the driver of the Mahindra Van, the appellant filed the claim



petition before the Tribunal. Though he claimed Rs.7,00,000/- as compensation, the Tribunal has awarded consolidated compensation of Rs.27,000/- together with interest at 7.5% per annum.

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3.The learned counsel appearing for the appellant would contend that since the amount awarded by the Tribunal is meager, the claimant is entitled for higher compensation. He would further contend that the Tribunal failed to consider the fact that the appellant had suffered grievous injuries and admitted in the hospital for 4 days to take treatment for nasal bone injury. He would further submit that the Tribunal erred in awarding a consolidated sum of Rs.27,000/- towards Transportation, Nutrition, Attendant charges, Medical expenses, Loss of amenities and Pain and Suffering. Hence, the appellant seeks for enhancement of compensation.

4.Per contra, the learned counsel appearing for the 2nd respondent/Insurance Company submitted that the impugned Judgement and Decree awarding the aforesaid compensation is well reasoned and it requires no interference and therefore, this Civil Miscellaneous Appeal is liable to be dismissed.

5.This Court carefully considered the submissions of the learned counsel for the appellant/claimant and the learned counsel appearing for the second respondent/Insurance Company and perused the materials available on record.

6.It is not in dispute that the appellant sustained injury in an road accident that had taken place on 06.11.2012. The finding of the Tribunal that the accident occurred due to the negligence of the driver of the first respondent's Mahindra Van has become final and hence, it need not be adverted to in the appeal.

7.Though the learned counsel appearing for the appellant/claimant has contended that the award is meager and sought enhancement, on perusal of the accident record, the appellant herein sustained laceration on left forehead 1x1 c.m., abrasion 0.5 x 0.5 c.m., left side neck and an injury on upper lips. The Tribunal, on proper appreciation of evidence of P.W.2-Doctor and Ex.P.2-Accident Register, Ex.P.3-Discharge Summary, Ex.P4-Case Sheet and Ex.C.1-Disability Certificate, has decided that the appellant/claimant is entitled to a consolidated compensation of Rs.27,000/- together with interest at the rate of 7.5% per annum. I find no reason to interfere with the conclusion reached by the Tribunal. This appeal has no merit.



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8. For the foregoing reasons, the Civil Miscellaneous Appeal fails and the same is dismissed. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vsn
To

1.The Motor Accident Claims Tribunal
II Additional Subordinate Court
Cuddalore.

Copy to
The Section Officer
V.R.Section,
Madras High Court,
Chennai.

+1 CC to Mr.R.Ravichandran, Advocate sr 61141.

C.M.A.No.1387 of 2018

SMI (CO)
SP(14/03/2022)