



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.NO.2450 OF 2019

M.M.Rajan,
S/o.Manickam

... Appellant

Vs.

1. N.Prahalad
2. United India Insurance Co.Ltd.,
Motor Third Party Hub,
Silingi Building,
4th Floor, No.134, Greams Road,
Chennai - 600 006.

... Respondents

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree dated 27.09.2018 made in M.C.O.P.No.3955 of 2016, on the file of the Motor Accidents Claims Tribunal (Special Sub Court No.1, Motor Accidents Claims Petitions) Small Causes Court, Chennai.

For Appellant : Mr.R.Nalliyappan
For Respondents :
For R1 : Set exparte
For R2 : Mr.M.J.Vijaya Raghavan

JUDGMENT

The claimant is the appellant in this appeal and is aggrieved by the impugned Judgement and decree dated 27.09.2018 passed by the Motor Accidents Claims Tribunal, (Special Sub Court No.1, Motor Accidents Claims Petitions) Small Causes Court, Chennai in M.C.O.P.No.3955 of 2016.



2. By the impugned Judgment and decree, the Tribunal has awarded a sum of Rs.3,34,000/- as compensation under the following heads:-

Heads of Compensation	Amount Awarded by the Tribunal
Disability	Rs.30,000/-
Pain and Sufferings	Rs.25,000/-
Extra Nourishment	Rs.15,000/-
Transportation	Rs.5,000/-
Medical Bills	Rs.2,15,726/-
Attender Charges	Rs.2,250/-
Loss of Earnings	Rs.21,000/-
Loss of Future Prospectus	Rs.20,000/-
Total Compensation is fixed at	Rs.3,33,976/-
Rounded off to	Rs.3,34,000/-

3. The appellant/claimant has challenged the impugned Judgment and decree on the ground that the Tribunal has restricted the disability at 10% at Rs.3,000/- per percentage merely on the ground that the Doctor namely P.W.2 was not the person who had given treatment to the appellant/claimant. It is submitted that the Tribunal ought to have awarded compensation at Rs.5,000/- per percent at 30% disability as was deposed by P.W.2-Doctor and in the Disability Certificate in Ex.P.12. It is further submitted that the Tribunal erred in awarding a meagre compensation of Rs.21,000/- towards loss of earning for a period of three months alone at Rs.7,000/- as notional monthly income to the appellant/claimant.

4. Defending the impugned Judgment and decree, the learned counsel for the 2nd respondent/Insurance Company submits that the Tribunal has passed a proper order and there was no irregularity in the reasonings given by the Tribunal and therefore the appeal filed by the appellant was liable to be dismissed.



12. On such deposit being made by the 2nd respondent/Insurance Company, the appellant/claimant is permitted to withdraw the same together with interest accrued thereon, less any amount already withdrawn in the same proportion as was ordered by the Tribunal.

13. This Civil Miscellaneous Appeal stands partly allowed with the above observations. No costs.

Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

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To:

1. The Presiding Officer,
Motor Accidents Claims Tribunal,
Special Sub Court No.1,
Small Causes Court, Chennai.
2. The Section Officer,
Vernacular Section,
Madras High Court.

C.M.A.No.2450 of 2019

SSV(CO)
RLP(25/10/2021)