



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CMA.No.3212 of 2021

and

CMP.No.18326 of 2021

M/s.Reliance General Insurance Co. Ltd.,
No.16, 6th Floor, Reliance House,
Haddows Road,
Chennai - 600 006.

...Petitioner/2nd Respondent

Vs.

1.Praveen

... Respondent/Petitioner

2.R.Singaravelu

...Respondent/1st Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of M.V.Act, 1988, against the judgment and decree dated 28.11.2019 made in MCOP.No.2076 of 2017 on the file of the Motor Accidents Claims Tribunal, III-Court of Small Causes, Chennai.

For Petitioner : Mr.S.Arunkumar

O R D E R

The challenge is to the award of the Motor Accidents Claims Tribunal dated 28.11.2019 made in MCOP.No.2076 of 2017 on the file of the Motor Accidents Claims Tribunal, III-Court of Small Causes, Chennai.

2.The claimant sought for a compensation of Rs.10,00,000/- for the injuries suffered by him in an motor accident that occurred on 16.03.2017. According to the claimant, while he was riding the motor cycle bearing TN-18-AK-2017 on Thiruvottriyur High Road, the another motor cycle bearing registration No.TN-18-AE-9861, which was driven in an rash and negligent manner by the 1st respondent came from behind and hit the motor cycle, in which the petitioner was riding. In the accident, the petitioner suffered various injuries and he assessed the compensation at Rs.10,00,000/-.



3.The claim was resisted by the Insurance Company contending that the driver of the vehicle bearing No.TN-18-AE-9861 insured with the Appellant Insurance Company did not have a valid driving license and that he was a minor. The claim was also resisted on merits contending that the compensation claimed is on the higher side and there is no permanent or partial disability caused to the petitioner.

4.The Tribunal, on the question of minority of the driver of the two wheeler insured with the Appellant Insurance Company, concluded that there was no evidence to establish the claim. On merits, the Tribunal found that the claimant has not suffered any permanent disability but, however found that he would have undergone pain and suffering as well as certain medical expenses. On an examination of the entire evidence, the Tribunal granted compensation on the following heads:-

9.CALCULATION:

1.Pain and Sufferings	Rs.20,000/-
2.Transport Extra Nourishment Expenses	Rs.20,000/-
3.Towards Tuition Charges	Rs.10,000/-
4.Attender Charges	Rs. 900/-
5.Medical Expenses	Rs.82,257/-
6.Removal of Implant Expenses	Rs. 1,000/-
7.Damages to Clothes	Rs.1,84,157/-

5.I have heard Mr.S.Arunkumar, learned counsel appearing for the Insurance Company, challenging the above award.

6.Mr.S.Arunkumar unable to point out any evidence to establish the claim of the Insurance Company that the driver of the offending vehicle was not licensed or that he was minor on the date of accident. In absence of such evidence, I do not think that the Tribunal could be faulted for arriving at a conclusion that the claim of the Appellant / Insurance Company has not been proved. On the quantum, the learned counsel would submit that the award of tuition charges of Rs.10,000/- and removal of implant expenses of Rs.50,000/- are on the higher side. I am unable to agree with the contention of the learned counsel.

7.Admittedly, the claimant was a student and because of the accident he was unable to attend classes for a considerable period of time, which would necessitate certain additional expenditure by way of tuition charges even otherwise, the claimant would be entitled to certain compensation on the head



of loss of education, which has admittedly not been awarded. I do not think that the award of tuition charges for Rs.10,000/- could be termed as unreasonable.

8.As far as the removal of implant expenses for a sum of Rs.50,000/-, the cost of medical services is increasing day by day and we do not know what will be the cost after three or ten years when the implants are to be removed. Hence, on an overall assessment of the compensation awarded, I do not think, the said award could be termed as unreasonable. I therefore, do not find any reason to interfere with the award of the Tribunal. This appeal therefore, fails and it is accordingly, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

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To:-

The Motor Accident Claims Tribunal,
III- Judge, Court of Small Causes,
Chennai.

+1cc to Mr.S.Arunkumar, Advocate Sr.58325

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