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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.1367 of 2020

Senthilkumar,
S/o.Kandasamy

... Appellant

Vs.

1.Somasundaram,
S/o.Muthugounder
2.The Oriental Insurance Co., Ltd.,
1st Floor, Ponnusamy Gounder Complex,
Tiruchengode Road, Sankari Taluk,
Salem District.

... Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree dated 12.03.2020 made in M.C.O.P.No.107 of 2016 on the file of the Motor Accidents Claims Tribunal/Subordinate Judge Court, Tiruchengode.

For Appellant : Mr.T.S.Arthanareeswaran

For R1 : No appearance

For R2 : Ms.R.Sree Vidhya

JUDGMENT

The claimant is the appellant in this appeal and is aggrieved by the impugned Judgment and decree dated 12.03.2020 passed by the Motor Accidents Claims Tribunal, Subordinate Judge Court, Tiruchengode in M.C.O.P.No.107 of 2016.

2. By the impugned Judgment and decree, the Tribunal has awarded a sum of Rs.85,200/- as compensation under the following heads:-



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Heads of Compensation	Amount awarded by the Tribunal
Permanent Disability	Rs.15,000/-
Pain & Sufferings	Rs.10,000/-
Extra Nourishment and loss of amenities	Rs.10,000/-
Medical Bills	Rs.24,200/-
Attender Charges	Rs. 5,000/-
Transportation Charges	Rs. 5,000/-
Loss of Income for two months	Rs.16,000/-
Total	Rs.85,200/-

3. The present appeal has been filed by the appellant/claimant for enhancement of compensation on the ground that the Tribunal committed an error in awarding a meagre amount of compensation.

4. It is submitted that the appellant/claimant was earning a sum of Rs.25,000/- per month and therefore the Tribunal ought to have awarded higher compensation.

5. I have considered the arguments advanced by the learned counsel for the appellant and the respondents. I have also perused the impugned Judgment and decree and the exhibits which forms the basis of the award.

6. The amount awarded by the Tribunal appears to be reasonable and therefore a just compensation. The nature of injuries suffered by the appellant/claimant indicates that there was only grievous injuries and there was no permanent disability. Under these circumstances, I do not find any merits in the present appeal.

7. Accordingly, the impugned Judgment and Decree passed by the Tribunal is confirmed and the appeal filed by the appellant/claimant is dismissed.

8. The 2nd respondent/Insurance Company is directed to



deposit the compensation awarded by the Tribunal, together with interest at 7.5% per annum from the date of numbering of the claim petition till the date of such deposit, less any amount already deposited within a period of six weeks from the date of receipt of a copy of this Judgment.

9. On such deposit being made by the 2nd respondent/Insurance Company, the appellant/claimant is permitted to withdraw the same as was ordered by the Tribunal, together with interest accrued thereon, less the amount already withdrawn if any, by filing suitable application before the Tribunal. No costs.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To:

1.The Motor Accidents Claims Tribunal,
Subordinate Judge Court, Tiruchengode.

2.The Section Officer,
Vernacular Section,
Madras High Court.

+1cc to M/s.R.Sree Vidya, Advocate, S.R.No.24649

C.M.A.No.1367 of 2020

GMI(CO)
SB(13/09/2021)