



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.3554 of 2019

G.Somasundaram

... Appellant/Petitioner

Vs.

1.G.Arjunan

2.The Safe Rider Car Rental Pvt.Ltd,
No.183, Baid Mehta Complex,
Mount Road, Saidapet,
Chennai - 600 015.

3.United India Insurance Co.Ltd,
Catholic Centre,
No.64, Armenian Street,
Chennai - 600 001.

... Respondents/Respondents

R1 & R2-Exparte before Tribunal

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree order dated 17.08.2017 made in M.C.O.P.No.3082 of 2014, on the file of the Motor Accidents Claims Tribunal, Chennai (in the IV Court of Small Causes, Chennai).

For Appellant : Mr.Amar D.Pandiya

For Respondents: Mr.J.Michael Visuvasam for R3

JUDGMENT

The claimant is the appellant in this appeal. He is aggrieved by the impugned judgment and decree dated 17.08.2017 passed by the Motor Accident Claims Tribunal, Chennai (in the IV Court of Small Causes, Chennai) in M.C.O.P.No.3082 of 2014.

2.By the impugned judgment and decree, the Tribunal has awarded a sum of Rs.1,37,800/- has detailed below:-



WEB COPY

Disability	Rs. 90,000.00
Pain and Suffering	Rs. 30,000.00
Extra Nourishment	Rs. 3,000.00
Transport to Hospital	Rs. 3,000.00
Damages to Clothes	Rs. 1,000.00
Attender Charges	Rs. 1,800.00
Medical Expenses	Rs. 3,000.00
Future Medical Expenses	Rs. 3,000.00
Loss of Income	-----
Loss of Amenities	Rs. 3,000.00
Total	Rs.1,37,800.00

3. In this appeal, the appellant has sought for additional compensation on the ground that the Tribunal erred in restricting the compensation towards disability to Rs.90,000/- at Rs.4,000/- per percent. On the other hand, the learned counsel for the 3rd respondent prays for dismissal of the appeal. It is argued that the Tribunal has as it is awarded an excess compensation and therefore the award amount may be confirmed in absence of appeal by the 3rd respondent.

4. The learned counsel for the respondent further submits that the appellant is a permanent employee of the Railways and therefore he is entitled for medical expenses including Future Medical Expenses.

5. Heard the learned counsel for the appellant and the respondent and also perused the impugned judgment and decree and the exhibits marked before the Tribunal.

6. The appellant has suffered the following injury in the Fracture right proximal tibial plasteu, fracture right leg, facial injury, head injury, injury over both hands and legs and multiple internal and external injuries all over the body. The Tribunal has awarded a sum of Rs.90,000. It appears to be just compensation. That apart, the Tribunal has awarded Rs.30,000/- towards pain and suffering, though the Tribunal normally award only a sum of Rs.25,000/- towards pain and suffering. In my view, the Tribunal has awarded just compensation. Therefore, I do not find any merits in the present appeal. The impugned order passed by the Tribunal is confirmed and the appeal filed by the appellant is dismissed.



7.The 3rd 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 the claim petition till the date of such deposit, less any amount already deposited by it, within a period of six weeks from the date of receipt of the copy of this Judgment.

8.On such deposit, the appellant/claimant is entitled to withdraw his amount together with interest as directed by the Tribunal, by filing suitable application before Tribunal.

9.This Civil Miscellaneous Appeal is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jas
To:

The Motor Accidents Claims Tribunal,
Chennai (in the IV Court of Small Causes, Chennai).

+1cc to Mr.S.Ravikumar, Advocate Sr.23752

C.M.A.No.3554 of 2019

pp[col]
srg 21/10/2021