



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 31.03.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

C.M.A. (MD)No.1232 of 2013

and

M.P(MD) No.2 of 2013

United India Insurance Company Limited,
Rural Branch, Trichy-620 018.

... Appellant/2nd Respondent in M.C.O.P.

-Vs-

1.A.Prabhu ... 1st Respondent/Petitioner in M.C.O.P.

2.S.Tamilarasan ... 2nd Respondent/1st Respondent in M.C.O.P.

Prayer: This Petition is filed under Section 173 of the Motor Vehicles Act, against the judgment and decree, dated 18.04.2012 in M.C.O.P.No.1862 of 2005 on the file of the Motor Accidents Claims Tribunal, I Additional Subordinate Judge, Tiruchirapalli.

For Appellant	:	Mr.I.Robert Chandrakumar
For R-1	:	Mr.N.Sudhagar
For R-2	:	No Appearance

JUDGMENT

Challenge made in this appeal is to the award passed by the Motor Accidents Claims Tribunal, I Additional Subordinate Judge, Tiruchirapalli, in M.C.O.P.No.1862 of 2005, dated 18.04.2012.

2.The brief facts of the case is that on 14.04.2005 at about 12.30 p.m., one Senthilkumar was riding a motor cycle, which belongs to his uncle, when the claimant/1st respondent was travelling as a pillion rider from Tiruchy to Karur new by-pass over a bridge near APC Hospital. The said Senthilkumar dashed against the left side door Ambassador Car, which was coming behind him and fell down on the road. Due to which, the claimant sustained multiple injuries on his body. The claimant was admitted in Trichy ABC hospital as inpatient, where, he undertook three surgeries. The accident was occurred only due to rash and negligent driving of the said Senthilkumar. The claimant was working in private company and was earning a sum of Rs.5,000/- (Rupees Five Thousand only). The claimant sought compensation of Rs.8,00,000/- (Rupees Eight Lakhs only) from the appellant and the second respondent with interest.



3.The claimant has stated that the deceased was working as Salesman and he was earning Rs.5,000/- per month.

4.The claim was opposed by the appellant disputing the manner of accident and their liability to pay compensation.

5.The Tribunal, upon consideration of oral and documentary evidence, came to the conclusion that the appellant and the second respondent were responsible for the accident and awarded compensation of Rs.4,07,120/- with interest @ 7.5 % p.a.

6.Heard both sides and perused the materials available on record.

7.The manner of the accident and the finding on negligence are not in dispute and the appeal is confined only to quantum of compensation awarded by the Tribunal.

8.It is contended by the learned counsel for the appellant that the tribunal has not applied the correct multiplier and the quantum of award is on the higher side, so the quantum is to be reduced. On the other hand, the learned counsel for the first respondent/claimant submitted that the award is reasonable, which does not warrant any interference of this court.

9.In the instant case, as per Ex.A.2, the claimant was working as Salesman and he was 24 years old at the time of accident and he is not in a position to continue the regular work. Therefore, the Tribunal gave a finding that the age of the claimant was 24 years, at the time of accident and he was earning Rs.2,000/- p.a. which was taken into consideration and the tribunal has applied multiplier as per decision laid down in the case of **Sarla Verma**. At the time of accident, the claimant was aged about 24 years and that was also taken into account and the appropriate multiplier is '18'. By applying the proper multiplier '18', the Tribunal awarded Rs.2,85,120/- towards loss of income. Further, the Tribunal awarded Rs.20,000/- towards pain and sufferings; Rs.5,000/- for nutrition; Rs.3,000/- for transportation; Rs.94,000/- towards medical expenses. In total, the Tribunal has awarded **Rs.4,07,120/-** together with interest @ 7.5% p.a. payable to the first respondent/claimant by the appellant and the second respondent.

10.This Court is of the considered opinion that the award of the tribunal, based on the evidence, is reasonable and warrants no interference of this court and the same is confirmed.



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11.In the result, the Civil Miscellaneous Appeal is dismissed, confirming the award of the tribunal. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

- 1.The I Additional Subordinate Judge,
Motor Accident Claims Tribunal,
Tiruchirappalli.
- 2.The Section Officer,
The Vernacular Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

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