

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

Date of Reservation	22.01.2021
Date of Judgment	30.03.2021

CORAM**THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI****C.M.A(MD) No.187 of 2015**

S.Muthu

: Appellant/Petitioner

Vs.

1.A.Subramanian

2.The Branch Manager,

M/s.National Insurance Company Ltd.,

Pudukottai.

: Respondents/Respondents

Prayer : Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the award, dated 23.02.2004 made in MCOP No.305 of 2003 on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate), Thanjavur.

For Appellant : Mr.S.Siva Thilakar

For 1st Respondent : Given up, vide order,
Dated, 30.01.2015For 2nd Respondent : Mr.V.J.Kumaravel**JUDGMENT**

This Civil Miscellaneous Appeal is directed against the award, dated 23.02.2004 made in MCOP No.305 of 2003 on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate), Thanjavur.

2.The short facts of the case is that on 28.07.1999 at about 00.30 am, the claimant was riding a tricycle from north to south in Kumbakonam Sarangapani East Street with vegetable load and when it reached Kumbakonam to Thanjavur main road, near Uchipillayar Kovil, the Lorry TN-55-B-4581 came in a rash and negligent manner and dashed against the tricycle, resulting the claimant sustained injuries. The claimant filed a claim petition claiming compensation of Rs. 2,00,000/- on the ground that the driver of the Lorry was responsible for the accident.

3.The Tribunal, upon consideration of oral and documentary evidence, came to the conclusion that the driver of the Lorry was responsible for the accident and awarded compensation of Rs.25,000/- together with interest @ 9% p.a. Being not satisfied with the compensation awarded by the tribunal, the claimant as appellant is before this court.

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



5.It is contended by the learned counsel for the appellant/claimant that the tribunal has erred in awarding a total sum of Rs.25,000/- as compensation for the multiple injuries sustained in the accident as against the claim of Rs.2,00,000/- and the tribunal has failed to award any compensation in respect of other heads, so the quantum is to be enhanced. On the other hand, the learned counsel for the 2nd respondent/Insurance Company submitted that the award is reasonable, which does not warrant any interference of this court.

6.In this case, PW1 is the injured as well as the eye witness to the accident. A criminal case was registered against the driver of the Lorry. Ex.P1 FIR stands registered based on the complaint given by PW1. PW1 has given evidence stating that he sustained injuries in the accident and hence, he could not able to do his work.

7.It is seen from the records that the claimant has sustained only simple injury and there is no head injury and no injuries on all over the body. As per the Wound Certificate, the Doctor has opined that it is only a simple injury and there was no injury on the right side shoulder and on the right hand and other parts of the body. It is to be noted that the claimant has taken treatment free of cost at the Government Hospital and there was no private treatment. Further, the claimant has not filed any medical bill, prescription or voucher to prove the so called treatment and expenses said to have been incurred. Considering the nature of injuries sustained by the claimant, the tribunal has totally awarded Rs.25,000/- towards compensation together with interest at the rate of 9% p.a, for the simple injuries sustained by the claimant in the accident. In the considered view of this court, the award is fair and reasonable and therefore, it is confirmed.

8.In the result, the Civil Miscellaneous Appeal is dismissed, confirming the award of the tribunal. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1.The Motor Accidents Claims Tribunal/
The Chief Judicial Magistrate,
Thanjavur @ Kumbakonam.



2.The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.SIVA THILAKAR, Advocate (SR-14339[F] dated
30/03/2021)

+1 CC to M/s.V.J.KUMARAVEL, Advocate (SR-14546[F] dated
30/03/2021)

CMA (MD) No.187 of 2015
30.03.2021

KMV (CO)
KB (27.04.2021) 3P 6C