



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 14.02.2022

CORAM:

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.M.A.No.247 of 2022

and

CM.P.No.1723 of 2022

The Branch Manager,
Reliance General Insurance Company Limited,
Vivyn Plaza,
No.89, I floor, 100 Feet Road,
Mudaliarpet,
Puducherry.

...Appellant/2nd Respondent

Vs.

1.Manikandan

...1st Respondent/Petitioner

2.Mohamed Shalik

...2nd Respondent/1st Respondent

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Award and Decree dated 30.06.2021 in M.C.O.P.No.572 of 2017 on the file of the learned Special Officer -cum- Additional Sub Judge, Motor Accidents Claims Tribunal, Puducherry.

For Appellant : Mrs.C.Bhuvanasundari

For Respondents : Mr.R.Sreedhar
Caveator counsel

JUDGMENT

The 2nd respondent Insurance Company has filed the above appeal challenging the Award passed by the learned Special Officer -cum- Additional Sub Judge, Motor Accidents Claims Tribunal, Puducherry.

2.The only ground on which the Award has been challenged is the fact that the Tribunal has awarded compensation both under the head of Permanent Disability and Loss of Income which is a double compensation. No doubt, the appellant had raised



other grounds, however, the main contention was only on the above ground of a double compensation.

3.The learned counsel who has entered appearance for the claimants fairly conceded the said point.

4.A perusal of the Award granted by the Tribunal below under various heads clearly indicates that the Tribunal has Awarded a sum of Rs.1,85,000/- under the head of Permanent Disability and a sum of Rs.13,92,300/- under the head of Loss of Income. Therefore, the Award under these two heads have to be modified. The sum of Rs.1,85,000/- granted under the head of Permanent Disability is therefore rejected. As a result, the Award is reduced to the extent of Rs.1,85,000/-.

In fine, the Civil Miscellaneous Appeal is partly allowed and the Award amount of Rs.16,57,300/- is modified to a sum of Rs.14,72,300/-. In all other respects, it remains unaltered. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mps
To

The Motor Accidents Claims Tribunal,
Special Officer -cum- Additional Sub Judge,
Puducherry.

Copy to

The Section Officer
VR Section
High Court, Madras 104.

+1 CC to Mr.R.Sreedhar, Advocate sr 9733.

C.M.A.No.247 of 2022
and
CM.P.No.1723 of 2022

SVI (CO)
SP(09/03/2022)