



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2022

CORAM:

THE HONOURABLE Ms. JUSTICE P.T.ASHA

C.M.A.No.268 of 2022
and
C.M.P.No.1823 of 2022

United India Insurance Co. Ltd.,
Motor Third party Claims Cell,
No.134, Greams Road,
5th Floor, Chennai-6.

...Appellant/2nd Respondent

vs.

1.G.Suresh Kumar

..1st Respondent/Petitioner

2.M/s.NTC Call Taxi Pvt. Ltd.,
No.11/2, Muthiyal Reddy Street,
Alandur, Chennai-60 016

...2nd Respondent/1st Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the order and decreetal order dated 20.04.2021 in M.C.O.P.No.3921 of 2017 passed by the VI Court of Small Causes, MACT-Chennai.

For Appellant	: Mr.P.Sankaranarayanan
For 1 st Respondent	: Mr.Varadha Kamaraj

JUDGMENT

The appellant / United India Insurance Co. Ltd., has filed the above appeal challenging the award of the Tribunal below on the ground that the Tribunal has arrived at high percentage under the head of Functional Disability.

2. It is their case the Medical Board had assessed the disability of the 1st respondent/claimant as a temporary disablement at 55%. However, the Tribunal below have overlooked this observation of the Medical Board and taken the entire disability as Functional Disability and thereby awarded a sum of Rs.9,50,400/- under the head of Functional Disability.



Challenging the same, the 2nd respondent/Insurance Company in the claim petition in MCOP No.3921 of 2017 on the file of VI Court of Small Causes, MACT-Chennai has filed this appeal.

3. The 1st respondent/claimant has entered appearance on caveat.

4. The learned counsel for the claimant agreed that the assessment under the head of Functional Disability was on the higher side and that the same could be assessed at 40%. In all other aspects, the appellant has no quarrel about the award of the Tribunal. Therefore, the amount awarded by the Tribunal under the head of Functional Disability is reduced to a sum of Rs.6,91,200/- as against the original award of Rs.9,50,400/-. Consequently, the award is reduced to a sum of Rs.10,39,000/- as against the award of Rs.12,98,000/- by the Motor Accident Claims Tribunal.

5. Accordingly, this Civil Miscellaneous Appeal is partly allowed and modified to the extent referred above. In all other heads, the award of the Tribunal is confirmed. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ssn

To

1. The Motor Accidents Claims Tribunal,
VI Court of Small Causes, Chennai.

2. The Section Officer,
V.R.Section,
High Court of Madras, Chennai.

+1 CC to Mr.P.Sankaranarayanan, Advocate sr 9685

+1 CC to Mr.K. Varadha Kamaraj, advocate sr 9492.

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CP(CO)
SP(23/03/2022)