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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.M.A.No.2013 of 2019

&

C.M.P.No.7165 of 2019

The National Insurance Company Ltd.,
Branch Office, 1st Floor, Nireesh Complex,
910, Cuddalore Main Road,
Attur Post, Salem District,
Having its Divisional Office and Service Office
at National Insurance Co.Ltd.,
Divisional Office. II,
Ramakrishna Road,
Opposite to Tamil Nadu State
Transport Corporation Limited,
Salem - 7.

...Appellant /2nd Respondent

Vs

1.Krishnaveni @ Krishnaveni Ramasamy

...1st Respondent/1st Petitioner

2.R.Elavarasu

...2nd Respondent/1st Respondent

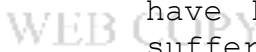
Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgement and Decree dated 27.07.2018 and made in M.C.O.P.No.206 of 2014 on the file of the Court of the Special District Judge, MCOP Tribunal, Salem.

For Appellant :Mr.S.Vadivel

For Respondents :Mr.H.Manojin
Legal Aid Counsel

JUDGEMENT

The Insurance Company has challenged the award passed in MC.O.P.No.206 of 2014 stating that it is excessive and that the



2. The learned counsel would submit that excessive amount have been granted towards loss of earning capacity, pain and sufferings and towards loss of income.

4. The learned counsel would further submit that a perusal of Ex.P.35, disability certificate would clearly show that the claimant has suffered permanent disability and therefore the Tribunal has adopted multiplier method as per the decision of the Hon'ble Supreme Court.

6. The accident is of the year 2013. However, the assessment of 10% disability for mental depression and insomnia appears to be erroneous. Therefore, the disability is assessed at 25% instead of 35%. Further, as pointed out by the learned counsel for the claimant no amounts have been given under the head of attendant charges. Therefore, a sum of Rs.10,000/- has to be added under the head of attendant charges. The loss of earning capacity is reworked as below:

7. The award ordered by the Tribunal below is modified as follows:

<https://hcservices.ecourts.gov.in/hcservices/>



The said amount is payable together with interest at 7.5% per annum from the date of the petition till the date of payment.

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8.The Civil Miscellaneous Appeal is partly allowed. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

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To,

1.The Motor Accident Claims Tribunal,
Special District Judge,
Salem.

2.The Secretary,
The Tamil Nadu State Legal Services Authority,
High Court, Madras.

Copy to

The Section Officer,
VR Section, High Court,
Madras.

+1cc to M/s.S.Vadivel, Advocate Sr,13704
+1cc to M/s.H.Manojin, Advocate Sr.13868

C.M.A.No.2013 of 2019

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srg 25/04/2022