



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

C.M.A. No.1037 of 2022
and
CMP.No.7643 of 2022

Reliance General Insurance Co. Ltd.,
Rais Towers, 2nd Floor, No.2054,
2nd Avenue, Next to GRP Jewellery,
Anna Nagar, Chennai 600 040.

...Appellant/2nd Respondent

Vs.

1. M.Abdul Kuthus

...1st Respondent/Petitioner

2. V.Sudarson

...2nd Respondent/1st Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, against the judgment and decree dated 14.09.2021 passed in MCOP.No.3920 of 2016, by the Motor Accidents Claims Tribunal/II Additional District Court, Cuddalore.

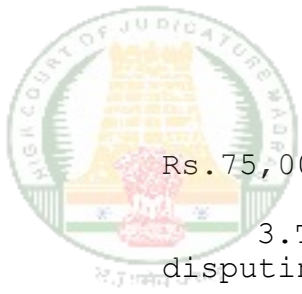
For Appellant : Mrs.C.Bhuvanasundari

J U D G M E N T

[Judgment of the Court was delivered by K.KALYANASUNDARAM, J]

This appeal arises out of the award passed by the Motor Accidents Claims Tribunal/II Additional District Court, Cuddalore in MCOP.No.3920 of 2016, dated 14.09.2021.

2.It is the case of the claimant that on 14.08.2015 at 1.00 am, he was driving his Car on Chengalpattu-Chennai National Highway. When he was nearing Akshaya Apartment at Guduvanchery, a Car bearing Registration No.TN-67-AS-4728 came in the opposite direction in a rash and negligent manner, hit the centre median, crossed the road and hit the claimant's vehicle. Due to the impact, the claimant sustained injury all over his body. Immediately, he was admitted in Chengalpattu Government Hospital and later, he was referred to BMS Hospital, Pondicherry and then referred to MIOT Hospital. Hence, he is entitled for a sum of



Rs.75,00,000/- as compensation.

3.The Insurance Company filed their counter statement disputing the manner of accident as projected by the claimants, age, occupation and income of the claimant and their liability to pay the compensation.

4.To substantiate the case, on the side of the claimant, he examined himself as PW1 and marked totally 16 documents. On the side of the Insurance Company, neither any oral evidence was adduced nor document was marked. Ex.C1 disability certificate was marked as Court Document.

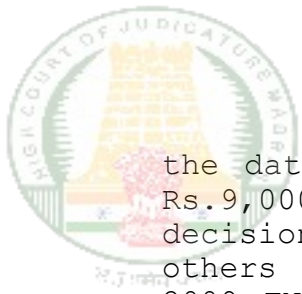
5.The Tribunal, after considering the oral and documentary evidence, held that the accident had occurred due to the rash and negligent driving of the driver of the Car bearing Registration No.TN-67-AS-4728 and directed the Insurance Company to pay a sum of Rs.28,65,380/- as compensation. The break-up details of the amounts awarded by the Tribunal under various heads are as follows:

S. No.	Heads under which the amount is awarded by the Tribunal	Amount in Rs.
1.	Loss of Income & Permanent Disability	6,99,300
2.	Pain and Sufferings, mental agony	1,65,000
3.	For Loss of amenities	1,00,000
4.	Extra Nourishment	36,000
5.	Attender Charges	10,000
6.	For Transport to Hospital	1,02,600
7.	Medical Bills	17,02,480
8.	Future Medical Bills	50,000
	Total	28,65,380

6.It is the submission of the learned counsel for the Insurance Company that though the claimant has not produced any documentary evidence to prove his income, but the Tribunal fixed notional monthly income as Rs.9,000/-, which is on the higher side.

7. Heard the learned counsel appearing for the appellant and perused the materials available on record.

8.A perusal of the records would show that the claimant was a driver and due to the injuries sustained by him in the accident, he could not continue his avocation. The Tribunal considering the evidence of P.W.1 and the age of the claimant on



the date of accident, had fixed the notional monthly income as Rs.9,000/- and adopted correct multiplier of 14 by following the decision of the Supreme Court in the case of Sarala Verma and others vs. Delhi Transport Corporation and another reported in 2009 TN MAC 1, and awarded a just and reasonable compensation. Further, the quantum of compensation under remaining heads fixed by the Tribunal are reasonable. We find no reason to interfere with the conclusion reached by the Tribunal.

9. For the foregoing reasons, the Civil Miscellaneous Appeal fails and the same is dismissed. The appellant/Insurance Company is directed to deposit the award amount with accrued interest and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit, the claimant is permitted to withdraw the award amount, less the amount already withdrawn, if any, together with proportionate interest and costs. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The II Additional District Judge,
The Motor Accident Claims Tribunal,
Cuddalore
2. The Section Officer,
V.R. Section,
High Court, Madras.

C.M.A. No.1037 of 2022

SSD(CO)
RGA(10/06/2022)