



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

C.M.A.No.287 of 2017

Senthil Kumar

...Appellant/Petitioner

Vs.

1.Gurusamy

2.New India Assurance Co. Ltd.,
No.45, Moore Street, 5th Floor,
Chennai.

...Respondents/Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the decree and judgment dated 22.12.2015 made in M.C.O.P.No.2913 of 2013 on the file of the Motor Accident Claims Tribunal, (IV-Small Causes Court), Chennai.

For Appellant : Mr.K.Varadha Kamaraj

For Respondents : Mr.T.K.S.Gandhi for R1
: Mr.K.Vinod for R2

J U D G M E N T

This Civil Miscellaneous Appeal has been filed by the claimant in M.C.O.P.No.2913 of 2013, which was pending on the file of the Motor Accident Claims Tribunal / IV-Small Causes Court, Chennai.

2.The facts are not in dispute. The facts are that the Appellant herein had suffered injuries on the 4th and 5th fingers of the right hand and also a small abrasion over the right side lip in the face, owing to an injury suffered in an accident by the two wheeler bearing registration No.TN-01-AK-9015. It was found as a fact that the said injury was not due to the claimant but due to the rider of the motor vehicle. Let me not interfere with that findings. The Doctor, who examined the Appellant had assessed disability at 35%. The Tribunal, on the basis of the entire records had granted an award of Rs.60,000/-.



3.It is the grievance of the learned counsel for the Appellant herein that since the injuries have been specifically mentioned, and medical records have also been produced, the compensation granted should be enhanced. It was also pointed out that the Appellant was not able to use his right hand and therefore, further consideration should have been granted while determining the compensation. The records are available and I have perused the same.

4.It appears that the total medical expenses incurred by the Appellant was Rs.12,210. Further, the discharge summary is also available, which clearly shows that there is abrasion and owing to that, treatment was given and thereafter, the Appellant was discharged. It is seen from the salary certificate issued that the Appellant was working as a Distributor and was not involved in any heavy work, which might have been affected, owing to the nature of the injuries suffered. But that is not the case here.

5.I find no reason to interfere with the order of the Tribunal and I affirm the same.

6.The Civil Miscellaneous Appeal is therefore, dismissed. No costs. The Appellant is permitted to withdraw the amount, if it is already deposited.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

kkn
To-

The Motor Accident Claims Tribunal,
IV-Small Causes Court, Chennai.

Copy to
The Section Officer,
VR Section,
High Court, Madras-104.

+1cc to K.Varadha Kamaraj, Advocate Sr.11778
+1cc to Mr.K.Vinod, Advocate Sr.11658

C.M.A.No.287 of 2017

gpl[col]
srg 24/03/2022