



CMA.No.2328 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2022

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THE HONOURABLE MS. JUSTICE P.T.ASHA

CMA.No.2328 of 2018

and

CMP.No.17801 of 2018

The United India Insurance Co. Ltd,
Katpadi Road,
Vellore

... Appellant/ 2nd Respondent

Vs.

1.K.Mani

... 1st Respondent/petitioner

2.M/s.Daimler Indian Commercial Vehicles (P) Limited
Rep. by its Proprietor
No.342/344 Sriperumbudur - Oragadam Road,
Village No.45, Pondur Village,
Sriperumbudur - 105
Kanchipuram District.

3.K.Nirmalkumar

4.ICICI Lombard General Insurance Co. Ltd.,
No.140, 2nd Floor,
Nungambakkam High Road,
Chennai - 600034.

... 2, 3 and 4 Respondents/1,3,4 Respondents



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PRAYER : Appeal filed under Section 173 of the Motor Vehicle Act against the award and decree dated 29.11.2017 made in MCOP NO.131 of 2014 on the file of the Motor Accidents Claims Tribunal, (Special Subordinate Judge, Tirupattur).

For Petitioner : Ms. A.Dhiraviyanathan
For Respondents : Mr.M.Muthappan [R.1]
: Mr.J.Anthony Jesuraj [R.2]
: No Appearance [R.3 & R.4]

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JUDGEMENT

Challenging the award passed in MCOP No.131 of 2014 by the Motor Accidents Claims Tribunal, (Special Subordinate Judge, Tirupattur), the insurance company has filed the above CMA.

2. They are aggrieved by the quantum of compensation granted. The claim petition has been filed seeking compensation for the injuries sustained by the 1st respondent herein who was a retired Sub-Inspector of Police. It is his case that while he was travelling on 10.10.2013 in a car bearing Registration No.TN 23 BS 9109 which was driven by the 3rd respondent, the lorry bearing Registration No. TN 21 TC 374 belonging to the 1st



respondent driven in a rash and negligent manner by its driver ,the 3rd respondent all of a sudden took a U turn without any indication as a result the lorry had collided with the car in which the petitioner was travelling and the accident had taken place.

3. The vehicle was insured with the 2nd respondent/insurance company. The petitioner had claimed a compensation of a sum of Rs.10,00,000/-.

4. The Tribunal below on considering the evidence and the pleadings had ultimately awarded a sum of Rs.4,84,460/- under the following heads:-

<i>1. Towards Pain and Sufferings</i>	<i>Rs.2,00,000/-</i>
<i>2. Towards Extra nourishment</i>	<i>Rs.10,000/-</i>
<i>3. Towards Medical Expenses</i>	<i>Rs.99,460/-</i>
<i>4. Towards Attender Charges</i>	<i>Rs.5,000/-</i>
<i>5. Towards Transportation</i>	<i>Rs.15,000/-</i>
<i>Towards Loss of amenities</i>	<i>Rs.5,000/-</i>
<i>Towards Medical Expenses</i>	<i>Rs.1,50,000/-</i>
<i>Total</i>	<i>Rs.4,84,460/-</i>



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5. Challenging the same, the insurance company is before this Court by way of this appeal.

6. Heard both the counsel.

7. A perusal of the claim petition and the award clearly shows that the Tribunal has passed a very reasonable award. The petitioner had suffered Subarachnoid Hemorrhage, meaning blood leaks into the space between two of the membranes that surround the brain, fracture of the 1st and 2nd ribs on left side, fracture of the greater tuberosity right shoulder.

8. The Tribunal has taken into account the nature of injuries, the period of hospitalization etc; to arrive at the aforesaid compensation. The same appears to be in order and I see no reason to interfere with the same. Consequently, the Civil Miscellaneous Appeal is dismissed. Consequently, to the dismissal of the appeal, the appellant/Insurance Company is directed to deposit the entire amount awarded by the Tribunal below, less the amount already deposited, with proportionate accrued interest and costs, to the credit



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of MCOP No.131 of 2014 on the file of the Motor Accidents Claims Tribunal, Special Subordinate Judge, Tirupattur, within a period of six weeks from the date of receipt of a copy of this judgment, if not deposited earlier. On such deposit being made, the claimant/1st respondent herein is permitted to withdraw the entire award amount with proportionate accrued interest and costs, after adjusting the amount, if any already withdrawn by making necessary applications. No costs. Consequently, the connected Miscellaneous Petition is closed.

18.10.2022

Index : Yes/No
Internet: Yes/No
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To

1. The Motor Accidents Claims Tribunal,
(Special Subordinate Judge, Tirupattur).
- 2..The Section Officer,
V.R.Section,
High Court, Madras.



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P.T. ASHA, J,

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