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IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 07.11.2022

CORAM:

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.M.A.No.2399 of 2022
and
C.M.P.No.18669 of 2022

United India Insurance Company Limited,
104-A, Permanur Main Road,
Peramanur,
Salem -7. ... Appellant/2nd Respondent

Vs.

1.R.Jagan …1st Respondent/Petitioner

2.T.Ramesh …2nd Respondent/1st Respondent

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act against the Award and Decree dated 07.07.2015 in M.C.O.P.No.765 of 2012 on the file of the learned Special Subordinate Judge - I, Motor Accidents Claims Tribunal, Salem.

For Appellant : Ms.I.Malar

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JUDGMENT

The Insurance Company is the appellant before this Court challenging the Award passed by the learned Special Subordinate Judge - I, Motor Accidents Claims Tribunal, Salem in M.C.O.P.No.765 of 2012. The challenge is only to the quantum of compensation.

2.The claim petition is filed by the 1st respondent/petitioner claiming compensation for the injuries sustained by him in a road accident on 15.04.2012. The 1st respondent/claimant claimed a total compensation of Rs.50 lakhs. The 1st respondent would submit that he had sustained fractures of right maxilla, right zygomatic arch, and lateral wall of right orbit, fracture of the left femur and head injuries. The petitioner has been examined for his disability and PW3 has fixed the disability at 85% and as a permanent and the neurology Doctor had assessed the disability at 85%. The Orthopedic Surgeon who was examined as PW2 opined that due to the injuries on the right thigh, the petitioner had suffered a surgical scar 20 c.m. long, shortening of right lower limb, malunion of left and right femur, loss

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of flexion movement, deformity and pain on the fracture site and therefore, the Doctor has assessed the disability as 100%. The Tribunal ultimately awarded a sum of Rs.30,33,000/- as compensation to the claimant. Challenging the same, the Insurance Company has filed the above claim petition.

3.A perusal of the injuries sustained by the petitioner and the period that he had stayed in the hospital and also pain and suffering undergone by him on account of the injuries clearly shows that the Award amount is very reasonable and I see no reason to set aside the same.

Accordingly, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

07.11.2022

Index : Yes/No
Internet : Yes/No
Speaking order / Non speaking order
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P.T. ASHA, J,

mps

To

The Special Subordinate Judge - I,
Motor Accidents Claims Tribunal,
Salem.

C.M.A.No.2399 of 2022
and
C.M.P.No.18669 of 2022

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