



C.M.A.No.1518 of 1999

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2023

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.M.A.No.1518 of 1999

S.Krishnamoorthy

... Appellant

Vs

1.M/s.Vinayack Plastic Industries
No.352, Poonamallee High Road,
aminjikarai, Chennai-600 029.

(was set ex-parte in the trial court)

2. United India Insurance Company Limited,
No.94, Govindappa Naicken Street,
Chennai-600 001.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree dated 09.07.1999 made in MACT O.P.No.3200 of 1996 on the file of the IV Judge, Motor Accidents claims Tribunal (Court of Small Causes), Chennai.

For Appellant ... Ms.P.T.Saleem Fathima

For Respondents ... R1- Ex-parte [vide EB]
... Notice not ready [R2]



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3. Learned counsel appearing for the Appellant submitted that though the Tribunal has accepted that the car was driven in a rash and negligent manner which was the cause for the accident, the compensation awarded by the Tribunal is grossly inadequate. At the time of accident, the claimant was earning a sum of Rs.5,500/- per month and his income was affected during the period in which he was under treatment which was purely on account of the said accident. Further, the Doctor assessed 50% disability, however, only 25% of disability was considered by the Tribunal based on which, the compensation was awarded which is wholly inadequate. Further, the compensation awarded under other heads are also minimal. Hence the compensation awarded by the Tribunal requires and enhancement.

4. This Court, heard the learned counsel appearing for the petitioner and perused the materials available on record.

5. Though this appeal has been filed in the year 1999, the appellant has not taken any steps to serve notice on the first respondent. However,



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considering the pendency of the appeal, this Court is inclined to dispose of the appeal based on the materials available on record.

6. The factum of the accident is not disputed by the parties and so also the liability. Therefore, this Court is not entering into the said aspect. The only grievance of the appellant/claimant is with regard to the quantum of compensation awarded. It is the claim of the appellant that the compensation awarded by the Tribunal under various heads is grossly inadequate which requires enhancement. It is further claimed by the appellant that though the Doctor had assessed 50% disability, the compensation awarded by the Tribunal under the head 'Loss of earning' by fixing the disability at 25% is meagre and the same requires enhancement. However, it is seen from the impugned award that the Tribunal has awarded a sum of Rs.74,950/- under the head 'Loss of earning' by fixing a sum of Rs.343/- towards monthly income by adopting the multiplier of 18. Though, the multiplier method is not applicable in cases of injuries, in the present case, the Tribunal has awarded the compensation under the head 'Loss of earning' by adopting the multiplier



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method. Therefore, the compensation awarded under the said head cannot be said to be inadequate and the same does not requires enhancement.

7. Further, on the issue relating to fixing of disability at 25%, though it is claimed by the appellant that the doctor had assessed the disability at 50%, however, the said disability is not permanent disability and, therefore, considering the same, the Tribunal has assessed the disability at 25%, which is reasonable and sustainable.

8. The Tribunal has awarded a sum of Rs.74,250/- towards Loss of Income; Rs.10,000/- towards pain and suffering; Rs.5,000/- towards Medical Expenses and Rs.1000/- towards Loss of damages to clothing and article; Insofar as the compensation awarded under the above heads are concerned, though it is the claim of the appellant that it is meagre, however, it is not substantiated as to how it is meagre. Considering the injuries suffered and the treatment taken, the Tribunal has awarded the compensation, which cannot be said to be meagre. Therefore, this Court is not inclined to interfere with the



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compensation awarded by the Tribunal and the appeal is liable to be dismissed.

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9. Accordingly, the Civil Miscellaneous Appeal is dismissed and the Judgment and Decree dated 09.07.1999 made in MACT O.P.No.3200 of 1996 on the file of the IV Judge, Motor Accidents claims Tribunal (Court of Small Causes), Chennai stands confirmed. There shall be no order as to costs.

10.10.2023

Index : Yes / No

Speaking Order / Non-speaking order

Neutral Citation Case : Yes / No

NHS

To

1. Learned IV Judge,
Motor Accidents claims Tribunal (Court of Small Causes),
Chennai.
2. The Section Officer,
V.R. Section,
High Court, Madras.

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