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C.M.A.No.1080 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.06.2023

Coram:

THE HONOURABLE MRS.JUSTICE N.MALA

CMA.No.1080 of 2023

and

CMP.No.10291 of 2023

1.The Director,
Rural Development, Panchayatraj,
Chennai-15

2.The Block Development Officer,
Panchayat,
Gummidipoondi,
Tiruvallur District- 601 201,
(Respondent name amended as per I.A.No.460 of 2021,
Dated:22.04.2021).

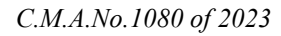
... Appellants

Vs.

E.Kamalanathan

... Respondent

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 praying to set aside the Award and Decree dated 28.09.2022, passed by the Motor Accident Claims Tribunal No.2, Special Sub Court to Deal with Motor Accidents Claims cases, Thiruvallur made in MCOP.No.197 of 2019.



**For Appellants : Mr.C.Jayaprakash,
Government Advocate**

JUDGMENT

The appeal is filed challenging the quantum of compensation awarded by the Claims Tribunal for the injuries sustained by the claimant in the motor accident which occurred on 10.04.2019.

2. For the sake of convenience, the parties are referred to as per their rank before the Tribunal

3. According to the claimant, while he was travelling in the Bolero Jeep along with Election flying force officers the driver of the Bolero Jeep drove the vehicle in a rash and negligent manner and hit a Tamarind Tree. Due to the impact the claimant sustained grievous injuries. The claimant therefore filed the claim petition claiming a sum of Rs. 25,00,000/- as compensation along with 7.5% interest.

4. The respondents before the Claims Tribunal filed counter denying all the allegations and contentions raised in the claim petition, including



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negligence and quantum of compensation.

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5. The Claims Tribunal, on the assessment of the entire evidence on record, found that the negligence of the driver of the Bolero Jeep belonging to the first respondent resulted in the accident. The Claims Tribunal, on the basis of the documents filed by the claimant, awarded a sum of Rs.1,73,000/- along with 7.5% interest from the date of claim petition till the date of realization.

6. Aggrieved by the compensation awarded by the Claims Tribunal, the first and second respondents have filed the above appeal..

7. The learned Government Advocate appearing for the appellants submitted that the impugned award passed by Claims Tribunal was unsustainable. The learned counsel submitted that the compensation towards the various heads were exorbitant and deserved to be modified.

8. I have gone through the materials placed before me and I am of the view that the Award of the Claims Tribunal is fair and reasonable. As per Ex.C.1 the disability certificate the claimant sustained fracture of left clavicle, Left Scapula Fracture, Scalp Laceration and left parietal region scalp



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hematoma. The Medical Board assessed the disability at 26%. The Claims

Tribunal adopted the unit method and awarded Rs.5,000/- per percentage of disability. I find no reason to interfere with the award under the said head. Even under the other heads, I find that the award is very reasonable and does not call for interference by this Court. The Award of the tribunal is hence confirmed.

In the light of the above discussion, the appeal is dismissed at the admission stage. There shall be no order as to costs. Consequentially connected Miscellaneous Petition is closed.

01.06.2023

dsn

Index: Yes/No

Speaking Order: Yes/No

Neutral citation: Yes/No



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1.The Special Sub Judge, Motor Accidents Claim Tribunal,
Thiruvallur.

2.The Section Officer,
V.R.Section,
High Court, Madras.



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N.MALA.J.,

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