



C.M.A.No.2183 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24.07.2023

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.M.A.No.2183 of 2018

B.Rajeswari

.. Appellant

Vs.

1. M.Praveen

2. Oriental Insurance Co. Ltd.,
No.115, Prakasam Salai,
Broadway, Chennai-600 108.

. . Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the order and decree dated 16.12.2016 made in M.C.O.P.No.2344 of 2013 on the file of the Motor Accidents Claims Tribunal (IV Small Causes Court), Chennai.

For appellant : Mr.K.Varadha Kamaraj

For respondents: R-1 Notice dispensed with -

set ex-parte before the Tribunal

Mr.Arun Kumar for R-2



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JUDGMENT

The claimant, who is the injured, has filed the present appeal challenging the Award dated 16.12.2016 passed in M.C.O.P.No.2344 of 2013 on the file of the Motor Accidents Claims Tribunal (IV Small Causes Court), Chennai, seeking to enhance the compensation awarded by the Tribunal.

2. Learned counsel for the appellant submitted that the claimant is a fish vendor and he sustained injuries due to the accident that had taken place on 13.01.2013 at about 4.30 p.m. while he was walking along Kamarajar Salai towards East-West direction and near Avvaiyuar Statue, during which time, a motor-cycle bearing Registration No.TN-03-E-6520 came from the same Salai towards North-South direction, and ridden by its rider in a rash and negligent manner, endangering the public safety, had hit the claimant/injured who was coming as a pedestrian, due to which, he fell down and



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sustained grievous injuries. P.W.2 Doctor assessed the disability of the claimant at 55%. But, without any valid reason, the Tribunal has reduced the same to 30%, and therefore, it warrants interference by this Court.

3. The learned counsel appearing for the second respondent-Insurance Company submitted that the Tribunal has rightly granted the compensation and the same is 'just and fair' compensation.

4. Heard both sides and perused the materials available on record.

5. The manner of the accident is not in dispute and the liability is also not in dispute.

6. The point for consideration is as to whether the impugned Award passed by the Tribunal reflects the 'just and fair



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compensation'.

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7. Based on the materials available on record and also taking into account the injuries sustained by the claimant and the treatment underwent by him, the Tribunal awarded the compensation under the following heads:

<i>Sl. No.</i>	<i>Heads under which the compensation is awarded by the Tribunal</i>	<i>Amount (in Rs.)</i>
1	Disability	90,000
2	Pain and suffering	25,000
3	Extra-nourishment	2,500
4	Transport to hospital	2,500
5	Damages to clothes	500
6	Attender charges	1,200
7	Medical expenses	11,410
8	Future medical expenses	2,500
9	Loss of income	6,500
10	Loss of amenities	2,500
	Total	1,44,610

The compensation awarded by the Tribunal was directed to be paid at 7.5% per annum from the date of numbering of the petition, i.e. on 19.04.2013 till the date of realisation, with costs.



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8. Based on a perusal of the materials available on record, this Court finds that the compensation awarded by the Tribunal has only reflected the 'just and fair' compensation, and therefore, there is no reason to interfere with the same.

9. Moreover, the Tribunal has awarded the compensation based on the decisions of the Honourable Supreme Court and this Court, on the subject.

10. Finding no merits, this appeal is dismissed. There shall be no order as to costs.

24.07.2023

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To

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

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