



CMA No.1568 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 23.01.2023

PRONOUNCED ON : 28.02.2023

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CMA No.1568 of 2022

M.Silambarasan

... Appellant

Vs.

1.M.Hajamuhaideen

2. M/s.Oriental Insurance Company Limited,
Rep. by is Branch Manager,
Oriental House,
II Floor, New No.216, Old No.115,
Prakasam Salai,
Chennai – 600 104

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the decree and judgment dated 04.12.2020 made in MCOP No.1697 of 2015 on the file of the Motor Accident Claims Tribunal, III Court of Small Causes, Chennai.

For Appellant : Mr.Achuthanandan



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For Respondents : Mr.P.Kandasamy (for R2)
No appearance (for R1)

JUDGMENT

Claim petitioner is the appellant herein.

2. This Civil Miscellaneous Appeal is filed for enhancement of compensation awarded by the Motor Accident Claims Tribunal [III Court of Small Causes], Chennai, vide judgment and decree dated 04.12.2020 made in MCOP No.1697 of 2015.

3. For the sake of convenience, the parties are hereinafter referred to as per their ranking before the claims tribunal.

4. Factum of the accident, manner of the accident, rash and negligence on the part of the driver of the offending vehicle are not disputed and hence, the findings rendered by the Claims Tribunal, are confirmed.

5. During the trial, the claim petitioner examined himself as PW1 and marked Ex.P1 to Ex.P16. Ex.C1-Disability certificate issued to the



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petitioner by the Regional Medical Board is also marked. On the side of the respondents, no oral or documentary evidence has been let in.

6. On consideration of both oral and documentary evidence, the claims tribunal has awarded a sum of Rs.3,46,700/-. In the said compensation, towards reimbursement of medical bills, a sum of Rs.45,948.52p was awarded. However, as per Ex.P6, the total amount is Rs.1,46,069.52p. The bills listed in the first page alone seems to have been granted by the trial Court and hence, the appeal by the claimant.

7. By consent of both parties, the case is taken up for final disposal.

8. After going through the records, I find that as per Ex.P6, total medical bills amounts to Rs.1,46,069.52p. The bills listed in the first page alone is granted by the tribunal as could be seen from the records and hence, the balance amount as reflected in Ex.P1, i.e. Rs.1,00,121/- [Rs.1,46,069.52 less Rs.45,948.52] is entitled for reimbursement. It appears that by oversight, the tribunal has not looked into the subsequent bills included in Ex.P6.



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Hence, I find no impediment for allowing the appeal and award the balance amount covered under Ex.P6, Medical Bill i.e. Rs.1,00,121/-. The value of the appeal is Rs.100,000/- and hence the same is granted.

9. In the result, it is ordered as follows:

- (i) The judgment and decree dated 04.12.2020, made in MCOP No.1697 of 2015 on the file of the Motor Accident Claims Tribunal [III Court of Small Causes], Chennai, stands modified to the limited extent that the compensation of Rs.3,46,700/- awarded by the claims tribunal is enhanced to Rs.4,46,700/- i.e. Rs.3,46,700/- + Rs.1,00,000/- and the interest awarded by the claims tribunal remains unaltered.
- (ii) Additional Court fee, if any, to be paid by the claim petitioner within a period of four weeks and decree to be drafted after the payment of Court fee.
- (iii) The 2nd respondent-Insurance company is directed to deposit the enhanced compensation amount of Rs.4,46,700/- with proportionate interest and costs to the credit of MCOP No.1697 of 2015 on the file of the Motor Accident Claims Tribunal [III Court of Small Causes], Chennai, within a period of four weeks



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from the date of receipt of a copy of this order, less the amount already deposited, if any.

(iv) On such deposit, the appellant/claim petitioner, is permitted to withdraw the same, on making necessary applications, less the amount already withdrawn, if any.

10. With the above directions, the Civil Miscellaneous Appeal stands allowed. No Costs.

28.02.2023

Index : Yes/No

Neutral Citation : Yes/No.

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To

The III Court of Small Causes,
Motor Accident Claims Tribunal
Chennai.



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RMT.TEEKAA RAMAN,J.,

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Pre-delivery judgment in
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28.02.2023