



C.M.A.No.289 of 2018

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

C.M.A.No.289 of 2018

M.Nagooran

... Appellant

Vs.

A.Mohan (Deceased)

1.Reliance General Insurance Co, Ltd.,
Heavitree, Unit No.1, 3rd Floor,
No.23, Spur Tank Road, Chetpet,
Chennai – 600 031.
Now at 6th Floor,
6 Haddows Road,
Nungambakkam,
Chennai – 34.

2.Idhayakamalam

... Respondents

[Amended and impleaded vide
order dated 25.06.2012 in
M.P.No.233 of 2012]

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988 against Judgment and Decree dated 25.07.2014 passed in M.C.O.P.No.1417 of 2007 on the file of the Motor Accident Claim Tribunal, IV Judge, Small Causes Court, Chennai.



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For Appellant : M/s.Ramya V.Rao
For Respondents
For R1 : Mr.S.Arunkumar
For R2 : Not ready in notice

J U D G M E N T

The Appeal has been filed against the Judgment and Decree dated 25.07.2014 made in M.C.O.P.No. 1417 of 2007 on the file of the Motor Accident Claims Tribunal, IV Judge, Small Causes Court, Chennai.

2. The claim petitioner is the appellant herein, seeking enhancement of compensation awarded by the Tribunal in M.C.O.P.No.1417 of 2007 for the injuries sustained by him in a road accident occurred on 13.10.2006 on the ground of quantum.

3. During the trial, on the side of the claim petitioner P.W.1 and P.W.2 and Ex.P1 to Ex.P13 were marked and on the side of the respondents R.W.1 was examined and Ex.R1 was marked.



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4. The learned counsel for the appellant submitted that the appellant sustained grievous injuries on head and fracture in left leg and also in the right hand. Hence, the Tribunal ought to have awarded adequate compensation and the Tribunal ought to have applied multiplier method for awarding compensation under the loss of earning power. The Tribunal erred in awarding Rs.2000 per percent, considering the gravity of injuries the Tribunal ought to have awarded more compensation. The Tribunal went wrong in reducing the disability from 65% to 60%. Hence, he prays for enhancement of compensation.

5. The learned counsel for the 1st respondent / Insurance Company on the other hand, submits that the compensation awarded by the Tribunal is just and fair and it does not requires interference by this Court.

6. Based on the oral and documentary evidence, the Tribunal has come to the conclusion that the 2nd respondent herein is the owner of the vehicle and the 1st respondent is the insurer of the offending vehicle and hence, directed the 1st respondent herein to pay the compensation as follows;-



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<i>Sl.Nos.</i>	<i>Heads</i>	<i>Compensation</i>
1.	Disability	Rs.1,20,000/-
2.	Pain and suffering	Rs.50,000/-
3.	Loss of earning power	Rs.1,00,000/-
4.	Extra nourishment	Rs.15,000/-
5.	Loss of income during treatment	Rs.24,000/-
6.	Attender charges	Rs.15,000/-
7.	Medical bills	Rs.1,15,358/-
8.	Transportation	Rs.15,000/-
9.	Future medical expenses	Rs.40,000/-
<i>Total</i>		Rs.4,94,358/-

7. After going through the compensation awarded by the Tribunal under various heads, this Court find that the same are just and reasonable, and the award passed by the Tribunal does not warrant any interference of this Court. Accordingly, the compensation awarded by the Tribunal under various heads are hereby confirmed.

8. In the result, this Civil Miscellaneous Appeal is dismissed and a sum of Rs.4,94,358/- awarded by the Tribunal as compensation to the appellant, along with interest and costs is hereby confirmed. The 1st respondent-Insurance Company is directed to deposit the award amount along with interest and costs, less the amount already deposited, if any, within a period of six weeks from the



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date of receipt of a copy of this judgment to the credit of M.C.O.P.No.1417 of 2007 on the file of Motor Accidents Claims Tribunal, IV Judge, Small Causes Court, Chennai, and recover the same from the 2nd respondent herein. On such deposit, the appellant is permitted to withdraw the award amount, along with proportionate interest and costs, after adjusting the amount already withdrawn, if any, by making necessary application before the Tribunal. No costs.

23.06.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
ata

To

The Presiding Officer,
The Motor Accident Claim Tribunal,
IV, Court of Small Causes,
Chennai.

A.A.NAKKIRAN.J,



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