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C.M.A.No.1342 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2023

CORAM

THE HON'BLE MRS.JUSTICE N.MALA

C.M.A.No.1342 of 2022

Sengottuvel
... Appellant
vs.

1.Mohanasundaram

2.United India Insurance Co. Ltd.,
Tiruchengode,
Division Office Namakkal. ... Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to allow the above Civil Miscellaneous Appeal and enhance the award in the Order dated 23.03.2022 made in M.A.C.T.O.P. No.18 of 2019 on the file of the Motor Vehicle Accident Claims Tribunal/Subordinate Judge Court, Paramathy.

For Appellant : Mr.C.Paraneedharan

For R1 : No appearance

For R2 : M/s. I.Malar

* * * * *



C.M.A.No.1342 of 2022

WEB COPY

J U D G M E N T

This Civil Miscellaneous Appeal is filed to allow the above Civil Miscellaneous Appeal and enhance the award in the Award dated 23.03.2022 made in M.A.C.T.O.P. No.18 of 2019 on the file of the Motor Vehicle Accident Claims Tribunal/Subordinate Judge Court, Paramathy.

2.The appeal is filed by the claimant for enhancement of compensation.

3.The first respondent remained ex-parte before the Tribunal and the second respondent contested the claim petition by filing a counter denying all the allegations made in the claim petition, apart from disputing negligence, quantum and liability.

4.I have heard both the learned counsel and have gone through the award passed by the Claims Tribunal.



C.M.A.No.1342 of 2022

5.The short point that arises for determination in the appeal is whether the claimant is entitled for enhancement of compensation?

6.It is seen that the Medical Board assessed the injuries of the claimant and certified that the claimant had suffered 5% disability. In the wound certificate Ex.P6, it was stated that the claimant had suffered one simple injury and one grievous injury.

7.The Claims Tribunal on the basis of the said documents fixed the disability at 5% and by adopting the unit method awarded a sum of Rs.25,000/- towards permanent disability. The Tribunal awarded a sum of Rs.5,000/- towards percentage of disability.

8.I find that the award towards disability at Rs.25,000/- @ Rs.5,000/- per percentage of disability of 5% is fair and reasonable and does not call for any interference. I am also of the view that the amounts awarded under various heads are fair just and reasonable. I therefore find no merits in the appeal and the same is dismissed.



C.M.A.No.1342 of 2022

WEB COPY

8.The learned counsel appearing for the appellant seeks permission of this Court to withdraw the award amount if, already deposited if not, seeks the direction of this Court to direct the respondent to deposit the award amount within a specific period.

9.In the light of the submission of the learned counsel for the appellant, a direction is issued to the respondent Insurance Company to deposit the award amount along with 7.5% interest, within a period of four weeks from the date of receipt of a copy of this order, if not already deposited. On such deposit being made the claimant is entitled to withdraw the award amount by making proper application before the Tribunal.

10.Accordingly, this Civil Miscellaneous Appeal is dismissed with the above directions. There shall be no order as to costs.

27.06.2023

Index : yes/no

Internet : yes/no

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C.M.A.No.1342 of 2022

To

- 1.The Motor Vehicle Accident Claims Tribunal/
Subordinate Judge Court,
Paramathy.
- 2.The Section Officer,
V.R.Section,
High Court, Madras.



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C.M.A.No.1342 of 2022

N.MALA, J.

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C.M.A.No.1342 of 2022



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C.M.A.No.1342 of 2022

27.06.2023