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C.M.A.No.1819 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

C.M.A.No.1819 of 2023

Vijaya

... Appellant

Versus

1.Kannan

2.The National Insurance Co., Ltd.,
Motor Third Party Claims Office,
No.751, Anna Salai,
Chennai – 600 002.
Now running at No.66, Greams Road,
Chennai-6.

... Respondents

PRAYER : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the judgment and decree dated 04.01.2022 passed in M.C.O.P.No.4265 of 2014, by the Motor Accident Claims Tribunal, VI Judge, Court of Small Causes, Chennai.

For Appellant : Ms.G.Anitha

JUDGMENT

This appeal has been filed by the claimant seeking enhancement of compensation awarded by the Tribunal in M.C.O.P.No.4265 of 2014 dated 04.01.2022.



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2.The claim petition was filed stating that on 08.09.2011, at about 03.45 hrs., when the appellant was lying along with Besant Nagar Road, near Astalakshmi Temple, the car bearing Registration No.TN-02-AK-9177, driven by the driver in a rash and negligent manner, dashed against the appellant and caused grievous injuries. Thus, she was entitled for compensation.

3.The respondent 1 and 2 remained *ex-parte* before the Tribunal and hence *ex-parte* order was passed against them.

4.Before the Tribunal, the appellant/claimant examined herself as P.W.1 and marked Ex.P.1 to Ex.P.6. The certificate issued by the Government Royapettah Hospital, Chennai was marked as Ex.C1.

5.The Tribunal after considering the oral and documentary evidence held that the accident occurred due to the rash and negligent driving by the driver of the car and directed both the 2nd respondent/Insurance Company to pay the compensation of Rs.3,54,000/- , to the appellant/claimant.



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WEB COPY 6. Heard the learned counsel for the appellant and perused the materials available on record.

7. The only the question in the instant appeal is whether the Tribunal was right in awarding compensation on the basis of evidence let in by the appellant/claimant.

8. From the perusal of records, it is seen that the appellant had suffered a fracture of radius and ulna left. The appellant was examined by the Medical Board which assessed the disability as 14%. The Tribunal had awarded a compensation by adopting multiplier method. The notional income fixed by the Tribunal was Rs.9000/- and the Tribunal had also added 25% towards future prospects. The compensation under the head disability awarded by the Tribunal was Rs.2,64,600/-. This Court is of the view that the compensation awarded by the Tribunal is just and reasonable. Further, the compensation under the head such as loss of income, loss of amenities and all other heads are just and reasonable, considering the nature of injuries and disability suffered by the appellant. The learned counsel for the appellant is unable to point any



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infirmity in the finding of the Tribunal. Therefore, this appeal is liable to be dismissed.

9.In the result, this Civil Miscellaneous Appeal is dismissed confirming the judgment and decree dated 04.01.2022 made in M.C.O.P.No.4265 of 2014 on the file of the Motor Accident Claims Tribunal, VI Judge, Court of Small Causes. The 2nd respondent / Insurance Company is directed to deposit the award along with interest and cost, within a period of six (6) weeks from the date of receipt of a copy of this judgment. On such deposit, the appellant is permitted to withdraw the award amount along with interest and cost, less the amount already withdrawn, if any. No costs.

17.08.2023

rst

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To:

1.The Motor Vehicle Accident Tribunal,
VI Judge, Court of Small Causes, Chennai.

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



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SUNDER MOHAN, J.
rst

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