



CMA.No.3998 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

CMA.No.3998 of 2019

Dineshkumar

Appellant

Vs

1. Vadivel

2. The Branch Manager, The New India
Assurance Company Limited, Pondicherry

Respondents

Prayer:- This Civil Miscellaneous Appeal has been filed, against the judgement and decree, dated, 18.02.2019, made in MCOP.No.828 of 2017, by the Additional Sub Judge (MACT) Pondicherry.

For Appellant : Ms.K.Sivasankari

For Respondents : Mr.K.Thirunavukkarasu-R2
No Appearance-R1

JUDGEMENT

1. This Civil Miscellaneous Appeal has been filed, by the claimant, against the judgement and decree, dated, 18.02.2019, made in MCOP.No.828 of 2017, by the Additional Sub Judge (MACT) Pondicherry.
2. The claimant has filed the claim petition before the Tribunal, seeking a compensation of Rs.10,00,000/- on various heads, for the injuries sustained by him, in a motor road accident, which took place on 04.06.2017. The 1st Respondent herein/owner of the offending vehicle remained exparte. The



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claim petition was resisted, on various grounds, by the 2nd Respondent/ Insurance Company, by filing a counter. On the side of the claimant, PW.1 was examined and Ex.P1 to Ex.P16 were marked and Ex.C1 was marked.

3. Finding that the accident had occurred only due to the rash and negligent driving of the driver of the offending vehicle, the Tribunal has awarded a total compensation of Rs.7,84,425/- with interest at 7.5% p.a. from the date of the claim petition till the date of realization, as detailed below:-

S.No	Category	Award Amount (Rs.)
1	Permanent Disability	126000.00
2	Pain and Suffering	80000.00
3	Medical Expenses	398425.00
4	Loss of income	75000.00
5	Rich and Nutritious food	25000.00
6	Attendants Charges	10000.00
7	Transportation Expenses	70000.00
Total Compensation		784425.00

Aggrieved by the quantum of compensation, this appeal has been filed by the claimant.

4. On considering the submissions of the learned counsel on either side and the entire materials placed on record, including the impugned order, this Court is of the view that impugned order passed by the Tribunal is a well considered and reasoned order, based on valid evidence, both oral and documentary and nothing is warranted to interfere with the same. Accordingly, this Civil Miscellaneous Appeal is dismissed. No costs.

12.04.2023

Index:Yes/No



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Web:Yes/No
Speaking/Non Speaking
Srcm

A.A.NAKKIRAN, J.

Srcm

To

1. The Additional Sub Court (MACT) Pondicherry.
2. The Record Keeper, VR Section, High Court, Madras

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