



C.M.A.No.2198 of 2019

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2.The learned counsel appearing for the appellant submitted that on 30.07.2014 at about 12.50 p.m., the appellant claimant was returning in his Hero Honda bearing Registration No.TN.61 A 8935 from NLC Block – 20, Training Campus in West to East direction and when he was near Subiksha shop junction in Main Bazaar, a Cheveriet bearing Registration No.TN.31 BZ 8248 which came in the same direction in a rash and negligent manner, behind the motorcycle, dashed against the motorcycle, due to which, the appellant sustained injuries.

3.The learned counsel appearing for the appellant further submitted that thereafter, the injured claimant/ appellant filed claim petition before the Motor Accidents Claims Tribunal, claiming compensation of Rs.7 Lakhs and after adjudication, the Tribunal awarded a sum of Rs.78,115/- as compensation to the claimant along with interest at the rate of 9% from the date of petition till the date of realization and costs. The learned counsel further submitted that the amount awarded by the Tribunal is meagre and hence, the appellant claimant has filed this appeal for enhancement of compensation.



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4.The learned counsel appearing for the second respondent Insurance Company submitted that the Tribunal after considering all the factual aspects, awarded the compensation which is just and reasonable and hence, the impugned judgment warrants no interference.

5.Heard the learned counsel appearing for the appellant claimant as well as the learned counsel appearing for the second respondent Insurance Company and perused the materials available on record.

6.The accident and the manner in which the accident happened are not disputed. This appeal has been filed only questioning the quantum of compensation.

7.The tribunal after elaborately discussing the factual aspects awarded a sum of Rs.10,000/- for loss of income for two months, Rs.5,000/- for extra nourishment, Rs.34,615/- for medical expenses, Rs.3,500/- for attender charges, Rs.25,000/- for the injuries



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sustained by the appellant and arrived at a total compensation of Rs.78,115/- with interest at the rate of 9% p.a. from the date of petition till the

date of realization and directed the second respondent to deposit the compensation.

8.Perusal of records reveal that the appellant claimant has sustained only lacerated injuries and hence, the tribunal after considering all the factual aspects, awarded the compensation which, in the opinion of this Court, is just and reasonable and warrants no interference.

9.The civil miscellaneous appeal is dismissed. The judgment and decree of the Motor Accidents Claims Tribunal (Subordinate Judge) Neyveli in M.C.O.P.No.39 of 2014 dated 06.10.2016, is confirmed. No costs.

10.The second respondent is directed to deposit the entire award amount before the Tribunal within a period of four weeks from the date of receipt of a copy of this judgment, if not already



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deposited. On such deposit, the appellant claimant is permitted to withdraw the entire compensation amount with accrued interest and costs, after deducting the amount already withdrawn, if any, on making proper and necessary application before the Tribunal. The appellant claimant shall not be entitled to any interest for the period of delay, if any, in filing the appeal.

11.The civil miscellaneous appeal is dismissed. No costs.

11.12.2023

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Motor Accidents Claims Tribunal
(Subordinate Judge) Neyveli.



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M.DHANDAPANI,J.
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