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CMA.No.528 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2024

CORAM:

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

CMA.No.528 of 2023

Paneerselvam

... Appellant

-Vs-

1.K.Ponnusamy

2.United India Insurance Co. Ltd.,
D.O.1, 104 – A, Ranga Building,
Peramanur Main Road, Salem.

3.Kalaivani

4.Minor M.Sudharsanan

5.Meenakshi

6.New India Assurance Co. Ltd.,
2nd Floor, Suthukrishna Trade Centre,
133/31-1, Trichy Main Road,
Salem

Amended as per order in
IA.619/2019 dated 01.07.2019

...Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the order made in M.C.O.P.No.1913 of 2017,



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dated 07.10.2021, on the file of the Motor Accident Claims Tribunal,
Special District Court, Salem.

For Appellant	: Mr.M.Mohamed Riyaz
For R2	: Mrs.R.Sreevidhya
For R6	: Ms.A.Salomi

JUDGMENT

Challenging the quantum of compensation awarded by the Tribunal in MCOP.No.1913 of 2017, the appellant/claimant has filed the present appeal.

2.The appellant is the claimant in MCOP.No.1913 of 2017 on the file of Motor Accidents Claims Tribunal, Special District Court, Salem. He filed the above said claim petition, claiming a sum of **Rs.10,00,000/-** as compensation for the injuries suffered by him in an accident that took place on 15.12.2016.

3.The Tribunal considering the pleadings, oral and documentary evidence, held that the accident occurred due to the rash and negligent driving of the driver of the 1st respondent and directed the 2nd respondent-



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Insurance Company to pay a sum of **Rs.45,000/-** as compensation to the appellant.

4. Not being satisfied with the amounts awarded by the Tribunal, the appellant has come out with the present appeal seeking enhancement of compensation.

5. The learned counsel for the appellant submitted that the accident occurred on 15.12.2016 and that the appellant was 19 years old at the time of the accident. Due to the said accident, the appellant sustained '*soft tissue irregularity with cutaneous defect in the left posteriolateral aspect of the neck at C4-C5 vertebral level*'. However, the Tribunal had not taken into consideration the nature of injuries sustained by the appellant and awarded a sum of Rs.45,000/- as compensation to the appellant. Under these circumstances, he contended that any reasonable amount of compensation may be awarded.



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6. On the other hand, the learned counsel for the second respondent/Insurance Company submitted that the Tribunal has taken into consideration the nature of injuries sustained by the appellant and accordingly, awarded the compensation. Hence, he contended that the Award of the Tribunal may be confirmed.

7. Considered the submissions of the learned counsel for the appellant and the respondents 2 and 6 and perused the materials placed on record.

8. Considering the nature of injuries sustained by the appellant, this Court is now inclined to award an additional sum of Rs.40,000/- towards the injuries sustained by the appellant/claimant. Accordingly, awards a total sum of Rs.85,000/- towards the injuries sustained by the appellant/claimant.

9. In the result, this Civil Miscellaneous Appeal is partly allowed and the compensation awarded by the Tribunal at Rs.40,000/- is hereby



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enhanced to Rs.85,000/- together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit. The 2nd respondent-Insurance Company is directed to deposit the award amount now determined by this Court, along with interest and costs, less the amount already deposited, if any, within a period of **six weeks** from the date of receipt of a copy of this judgment to the credit of **M.C.O.P.No. 1913 of 2017** on the file of the Motor Accidents Claims Tribunal, Special District Court, Salem. On such deposit being made, the Tribunal is directed to transfer the Award amount, directly to the Bank account of the Appellant/Claimant through RTGS, within a period of **three weeks**. The appellant/claimant shall pay necessary Court fee, if any, on the enhanced compensation. However, it is made clear that if there is any delay in filing the C.M.A. and in case of any earlier order by this Court, depriving interest for the period of delay in question, the interest portion for that period should be excluded for the purpose of granting interest. No costs.

08.03.2024

Tsg

KRISHNAN RAMASAMY, J.,



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Tsg

To

- 1.Motor Accident Claims Tribunal,
Special District Court, Salem.
- 2.The Section Officer,
V.R.Section, High Court, Madras.

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