



Civil Miscellaneous Appeal No.317 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Civil Miscellaneous Appeal No.317 of 2022

Jayaraman
S/o.Ponnusamy Reddy

... Appellant

Vs.

1.Dharmalingam
S/o.Karuppannan

2.The National Insurance Co., Ltd.,
63, Rasi Plaza, West Pradhatchinam Road,
Karur - 639 002.

3.The National Insurance Co. Ltd.,
Branch Office 1272-1273,
Palaniyappa Complex,
Mettur Road, Erode - 638 011.

4.Raman
S/o.Periyapaiya Gounder

... Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree in M.C.O.P.No.274 of 2018, dated 09.04.2021, by the Motor Accident Claims Tribunal/



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Special District Judge, Erode.

For Appellant : Mr.T.S.Arthanareeswaran

For Respondents : Mr.D.Bhaskaran [R2 & R3]

JUDGMENT

The appellant/claimant, not being satisfied with the quantum of compensation awarded by the Motor Accident Claims Tribunal/ Special District Judge, Erode, in M.C.O.P.No.274 of 2018, dated 09.04.2021, has filed the present appeal.

2. Heard Mr.T.S.Arthanareeswaran, learned counsel for appellant and Mr.D.Bhaskaran, learned counsel for respondents 2 and 3.

3. In the instant case, the Tribunal, on considering the facts and circumstances of the case and on appreciation of evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the offending vehicle. Having rendered such a finding, the Tribunal proceeded to award total compensation of Rs.5,18,679/- in the following manner:



Sl. No.	Compensation awarded under the head	Amount (in Rs.)
1.	45% disability	2,25,000/-
2.	Medical expenses	1,28,679/-
3.	Temporary loss of income	60,000/-
4.	Pain and Sufferings	50,000/-
5.	Attender charges	25,000/-
6.	Additional Nutrition	15,000/-
7.	Transport expenses	15,000/-
	Total	5,18,679/-

The above compensation was directed to be paid with interest at 9% p.a.

4. The Tribunal, on appreciation of evidence, came to a categorical conclusion that there was no proof to prove the avocation of the appellant/claimant and also the income that was earned by him. To come to such a conclusion, the Tribunal has given its reasoning at paragraph No.12 of the award. The Tribunal has also calculated the disability at 45% based on the disability certificate that was marked as Ex.P21. The appellant/claimant was not examined by the Medical Board. In view of the same, this Court directed the appellant/claimant to appear before the Medical Board and the Medical Board has assessed the disability suffered by the appellant/claimant and has submitted a report before this Court to the effect that the appellant/claimant suffers from 25% partial permanent



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disability. The Tribunal has fixed the disability at 45%.

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5. Taking into consideration the facts and circumstances of the case and also the award passed by the Tribunal, this Court does not find any ground to interfere with the award passed by the Tribunal and the award of the Tribunal is confirmed as such.

6. It is represented that the second respondent insurance company has already deposited the entire compensation awarded by the Tribunal. In view of the same, it is left open to the appellant/claimant to withdraw the entire amount deposited by the second respondent insurance company, with accrued interest, on due application.

In the result, this Civil Miscellaneous Appeal is dismissed. No costs.

24.04.2024

Speaking Judgment/Non-speaking Judgment

Index :Yes/No

Neutral citation: Yes/No

gm

To

The Motor Accident Claims Tribunal,
Special District Judge, Erode.



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N.ANAND VENKATESH, J

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