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C.M.A.No.2473 of 2016

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 07.11.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**C.M.A.No.2473 of 2016**

R.Usha Rani

... Appellant

Vs.

1.K.Vicky

(R1 remained exparte before the Tribunal,  
hence his presence may be dispensed with)

2.ICICI Lombard General Insurance Company Limited,  
No.140, Chotabai Centre, 2<sup>nd</sup> Floor,  
Nungambakkam High Road,  
Chennai – 600 034.

... Respondents

**Prayer:**

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the judgment and decree dated 07.04.2016 and made in M.A.C.T.O.P.No.984 of 2013 on the file of the II Court of Small Causes, Chennai and pass an award as prayed for in this appeal.

For Appellant : Ms.A.Subadra  
for M/s.M.Malar

For Respondents : R1 – Exparte vide in EB



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Ms.R.Sree Vidhya for R2

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### **J U D G M E N T**

This appeal has been filed by the appellant/ claimant challenging the judgment and decree passed in M.C.O.P.No.984 of 2013 dated 07.04.2016 on the file of the II Court of Small Causes, Chennai.

2.The learned counsel appearing for the appellant submitted that on 11.08.2012 at about 11.15 a.m., when the appellant was crossing the road at the pedestrian crossing at the back gate of the Sundaram Motors, Whites Road, Royapettah, the vehicle belonging to the first respondent and insured with the second respondent came in a rash and negligent manner and dashed against the appellant, due to which, the appellant sustained grievous injuries.

3.The learned counsel appearing for the appellants further submitted that thereafter, the appellant/ claimant filed claim petition before the Motor Accidents Claims Tribunal, claiming a sum of Rs.20Lakhs as compensation. After adjudication, the Tribunal awarded a sum of Rs.3,85,000/- as compensation along with interest at the rate of 7.5% per annum (except for Rs.10,000/- awarded towards future medical expenses) from the date of numbering of the petition i.e.,



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19.02.2013 till the date of deposit. Aggrieved by the same, the claimant has preferred this appeal seeking enhancement in compensation.

4.The learned counsel appearing for the appellant further submitted that the Doctor examined the injuries sustained by the appellant and assessed the disability at 45%. The learned counsel further submitted that the appellant suffer functional disability and the Tribunal ought to have awarded compensation by adopting multiplier method, however, the Tribunal awarded Rs.3,000/- per percentage of disability and awarded a very meagre compensation and hence, the appellant is entitled for enhanced compensation.

5.Per contra, 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.

6.Heard the learned counsel appearing for the appellant as well as the learned counsel appearing for the second respondent and



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perused the materials available on record.

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7.The accident and the manner in which the accident happened are not disputed. This appeal has been filed only questioning the quantum of compensation. Hence, there is no need for any discussion with regard to negligence aspect.

8.In the considered opinion of this Court, the tribunal after elaborately discussing all the factual aspects, awarded the compensation which is just and reasonable and hence, the impugned judgment warrants no interference.

9.The civil miscellaneous appeal is dismissed. The judgment and decree passed in M.C.O.P.No.984 of 2013, dated 07.04.2016 by the II Court of Small Causes, Chennai, is confirmed. No costs.

**07.11.2024**

pri

Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

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1.The II Court of Small Causes,  
Chennai.

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**M.DHANDAPANI,J.**  
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