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CMA No.625 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.625 of 2022

Goundappan

..Appellant

.Vs.

1.K.Chinnaponnu

2.The Branch Manager

TATA AIG General Insurance Company Limited

15th Floor, Tower-A, Peninsula Business Park

Ganpatrao Kadam Marg, Off Senapati bapat Marg

Lower Parel, Mumbai-400013, 225/2, Sree Vedhaths

First Floor, Lotteri Road

Meyyanur, Salem-636004.

.. Respondents

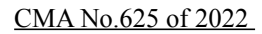
Prayer : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, 1988, to allow the Civil Miscellaneous Appeal and set aside the Award dated 29.10.2021 made in MCOP.No.623 of 2019, on the file of the Motor Accidents Claims Tribunal, Special Subordinate Court, Dharmapuri.

For Appellant : Mr.D.Rameshkumar

For Respondents : Mr.J.Michael Visuwasam [R2]

JUDGMENT

This appeal has been filed by the claimant challenging the award passed by the Motor Accident Claims Tribunal, Special Subordinate Court, Dharmapuri, in MCOP.No.623 of 2019, dated 29.10.2021 and the appellant is seeking for enhancement of compensation.



3.The appellant was standing along with the cycle in order to cross the road and at that point of time, the driver of the offending vehicle lost his control and dashed against the appellant causing the accident. The appellant sustained injuries and he was treated for "Fracture right proximal humerus, fracture distal right radius". It is under these circumstances, the appellant filed the claim petition before the Tribunal seeking for compensation.

4. On an overall reading of the award passed by the Tribunal, it is seen that the Tribunal has granted sufficient compensation to the appellant. The Tribunal has gone one step ahead and has even applied the multiplier method when the disability was assessed by the Board only at 52%. This Court does not find any ground to enhance the compensation that has been granted in favour of the appellant.

5. In the result, this civil miscellaneous appeal is dismissed. No costs.

03.04.2024

<https://www.mhc.tn.gov.in/judis>
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To

Motor Accidents Claims Tribunal
Special Subordinate Court
Dharmapuri.

Copy to:-

The Section Officer
VR Section, High Court,
Chennai.



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N. ANAND VENKATESH., J

KP

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