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C.M.A.No.43 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

CORAM :

The Hon'ble Mr. Justice Krishnan Ramasamy

C.M.A.No.43 of 2023

J.Kesavaraj

... Appellant

Vs.

1. R.Anandan
2. The Branch Manager,
National Insurance Company Ltd.,
No.751, Anna Salai, Mount Road,
Chennai.

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, 1988 against the decree and judgment dated 29.07.2019 made in M.C.O.P.No.245 of 2010 on the file of the Motor Accident Claims Tribunal, District & Sessions Judge, Additional District Court (Fast Track Court), Kancheepuram.

For Appellant	: Mr.M.Sivakumar
For R1	: Notice not ready
For R2	: Mr.R.Prem Chander



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JUDGEMENT

This Civil Miscellaneous Appeal has been filed by the claimant, challenging the quantum of compensation awarded by the Motor Accidents Claims Tribunal, District and Sessions Judge, Additional District Court (Fast Track Court), Kancheepuram, in M.C.O.P.No.245 of 2010 dated 29.07.2019.

2. On 10.07.2004 at about 9 p.m., the appellant/injured was travelling as a contract sales man in the first respondent vehicle viz., Tata 407 Heavy goods vehicle bearing Reg.No.TN.23.L.1743, which was driven by its driver in a rash and negligent manner and hit against a tree. Due to said accident, the petitioner/appellant sustained multiple injuries all over his body. Hence, the appellant made a claim petition seeking a sum of Rs.50,000/- as compensation.

3. On considering the oral and documentary evidence, the Tribunal



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has awarded a sum of Rs.10,000/- towards compensation to the appellant.

Being not satisfied with the same, the appellant has filed the present appeal.

4. The learned counsel for the appellant submitted that, the appellant has sustained multiple injuries all over his body. However, without considering the same, the Tribunal has awarded a lumpsum compensation of Rs.10,000/-, which is very meager, and the same has to be enhanced by this Court. Accordingly, he prayed for appropriate enhancement in favour of the appellant.

5. The learned counsel for the second respondent/Insurance Company would submit that the injuries sustained by the appellant are simple in nature. Further, the Doctor examined the appellant and issued Disability Certificate, assessing the disability as “Nil”. Hence, the compensation awarded by the Tribunal, is just and reasonable, and the same may be confirmed.



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6. Heard the learned counsel for the petitioner and the learned counsel on behalf of the second respondent and perused the materials available on record.

7. Considering the nature of injuries sustained by the claimant and the treatment undergone by the claimant, and also the Disability Certificate of the claimant, it appears that the Tribunal has provided just and fair compensation to the appellant. Hence, this Court does not find any infirmity in awarding the compensation by the Tribunal, and hence the compensation awarded by the Tribunal, stands confirmed.

8. In the result, the Civil Miscellaneous Appeal is dismissed. No costs. The second respondent-Insurance Company is directed to deposit the said amount along with interest and cost, 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.245 of 2010 on the file of District and Sessions Judge, Additional District Court (Fast Track Court),



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Kancheepuram. Upon such deposit being made, the Tribunal is directed to transfer the entire amount to the bank account of the claimant, by way of RTGS, within a period of three weeks from the deposit or from the date of receipt of the Bank details obtained from the claimant or application for withdrawal from the claimant, whichever is later.

15.02.2024

Index : Yes / No
NCC : Yes / No
jd

To

1. The Motor Accident Claims Tribunal,
District and Sessions Judge,
Additional District Court (Fast Track Court),
Kancheepuram
2. The Section Officer,
V.R. Section,
High Court, Madras.



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Krishnan Ramasamy,J.,

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