



C.M.A.No.49 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

CORAM :

The Hon'ble Mr. Justice Krishnan Ramasamy

C.M.A.No.49 of 2024

A.Veeralakshmi

... Appellant/Petitioner

Vs.

1. S.Vignesh
2. N.Shankar
3. Reliance General Insurance Company Limited.,
15A, 2nd Floor, Pla Kanagu Tower,
Thillai Nagar, Trichy 620 018.

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, 1988 for enhancement of compensation in the award dated 18.08.2022 made in MCOP.No.1420 of 2017 on the file of Exclusive MACT, Tirupur.

For Appellant : Mr.MA.P.Thangavel

For R3 : Mr.P.Suresh Srinivasan



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JUDGEMENT

This Civil Miscellaneous Appeal has been filed, challenging the quantum of compensation awarded by the Motor Accidents Claims Tribunal, Principal District and Sessions Judge, Tiruppur in M.C.O.P.No.1420 of 2017 dated 18.08.2022, the claimant is before this Court.

2. On 16.10.2015 at about 19.15 hours, the injured appellant/petitioner was travelling as a pillion rider along with Ramesh in a Splender bike bearing Reg.No.TN 39 BZ 0109 at Iduvai to Mangalam Road, at that time a motor cycle bearing Reg.No.TN 39 BQ 4582 belonging to second respondent and insured with third respondent came in a rash and negligent manner, dashed against the petitioner's bike, as a result of which, the petitioner sustained grievous injuries at her hip, right hand and caused abrasions all over her body. After getting first aid treatment, the petitioner got admitted at CMC Hospital, Coimbatore as an impatient from 16.10.2015 to 19.10.2015. Thereafter, the appellant/claimant has filed a claim petition before the Tribunal, claiming a compensation of Rs.20,00,000/- for the injuries sustained by her.



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3. The learned counsel for the appellant submitted that at the time of accident, the petitioner was working as a Building Construction Worker and earning Rs.20,000/- per month. Due to the accident, the claimant sustained Soft Tissue Injury and has been hospitalized. However, without taking into consideration, the Tribunal awarded Rs.25,000/- as compensation for injured petitioner. Aggrieved by the same, he prays for appropriate enhancement of the compensation in favour of the appellants.

4. The learned counsel appearing for the third respondent/Insurance Company would fairly submit that the petitioner has suffered Soft Tissue Injury with conservative treatment and has been hospitalised only for three days and at the time of discharge, the petitioner has not suffered any fracture and her injuries to the soft tissue also got healed and she has recovered fully. Thereafter, the petitioner has been referred to the Medical Board and the Medical Board has assessed 20% partial permanent disability.



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5. Heard the learned counsel for the appellant and the learned counsel appearing on behalf of the third respondent and perused the materials available on record.

6. The fact and manner of the accident is not disputed by the parties. Therefore, this Court is not dealing with the said aspect. The only grievance of the appellant is with regard to the quantum of compensation awarded by the Tribunal. It is claimed by the appellant that the petitioner was aged 52 years at the time of accident and earning a sum of Rs.20,000/- per month. Having sustained injuries in her hip and hand, the appellant is not in a position to do her work properly. Considering the age and nature of injuries, the Medical Board come to the conclusion and assessed partial permanent disability at 20%. However, the Tribunal has fixed the total compensation at Rs.25,000/-, which in the opinion of this Court, is meagre and it would be appropriate to award a sum of Rs.60,000/-.

7. Accordingly, the Appeal is partly allowed and the impugned Award of the Tribunal is modified by enhancing the compensation



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amount from **Rs.25,000/-** to **Rs.60,000/-**. The respondent/Insurance Company is directed to deposit the said amount along with interest at 7.5% and costs, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this judgment, to the credit of M.C.O.P.No.1420 of 2017. Upon such deposit being made, the Tribunal is directed to transfer the entire amount to the respective bank account of the claimant, the petitioner/claimant is entitled to withdraw the entire compensation amount, 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. The appellant/claimant is directed to pay the necessary Court fee for the enhanced compensation amount. The Tribunal below shall not disburse the enhanced amount till such time the certified copy showing proof of payment of Court fee is produced by the claimant. No costs.

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Index : Yes / No
NCC : Yes / No
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To

1. The Presiding Officer,
Exclusive Motor Accident Claims Tribunal,
Tirupur.
2. The Section Officer,
V.R. Section,
High Court, Madras.



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Krishnan Ramasamy,J.,

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