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C.M.A.No.415 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.03.2024

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THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

C.M.A.No.415 of 2018

R.Kaliammal
W/o.Rajendran
No.229/E, Anjugam Nagar
Kolapakkam, Chennai.

... Appellant

Vs.

1.A.Leenal, W/o.J.Alponse
No.7, Anna Street, Ambedkar Nagar
New Perungalathur, Chennai 63.

2.Royal Sundaram Alliance Insurance Co. Ltd.,
Sundaram Towers, No.45 & 46, Whites Road
Chennai 14.

... Respondents

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree dated 04.09.2014 in MCOP.No.4891 of 2011 (on the file of the Motor Accident Claims Tribunal Judge, II Court of Small Causes, Chennai).

For Appellant : Mrs.Ramya V. Rao

For Respondents : Mr.G.Vasudevan (for R2)



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JUDGMENT

The Appeal has been filed against the Judgment and Decree dated 04.09.2014 in MCOP.No.4891 of 2011 (on the file of the Motor Accident Claims Tribunal Judge, II Court of Small Causes, Chennai).

2.The claim Petitioner is the Appellant herein. For the sake of convenience, the parties are referred to as per their ranking before the trial Court.

3.The claim Petitioner filed MCOP.No.4891 of 2011 (on the file of the Motor Accident Claims Tribunal Judge, II Court of Small Causes, Chennai), seeking compensation for the injuries sustained by him in a road traffic accident occurred on 20.09.2011. The Tribunal has awarded a sum of Rs.8,17,800/- with interest at the rate of 7.5%. Aggrieved against the same and seeking enhancement, he has preferred this Appeal.

4.The factum of the accident, manner of the accident, rash and negligent driving on the part of the driver of the 1st Respondent's vehicle, insured with the 2nd Respondent are not under challenge in this Appeal. Accordingly, the



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finding rendered by the trial Court that the accident taken place due to the rash and negligent driving of the driver of the 1st Respondent's vehicle, insured with the 2nd Respondent are hereby confirmed.

5.During trial, on the side of the claim Petitioner, PW1 to PW3 were examined, Ex.P1 to Ex.P10 were marked and on the side of the Respondents, RW1 to RW3 were examined, Ex.R1 to Ex.R6 were marked.

6.Heard the learned counsel for the claim Petitioner and learned counsel for the Insurance Company.

7.Based upon the oral and documentary evidence, especially, Ex.P.3/discharge summary, Ex.P.5/disability certificate issued by PW2/Doctor and Ex.P.10/disability certificate issued by PW3/Doctor, the Trial Court has granted the following award:

<i>S.No.</i>	<i>Heads</i>	<i>Amount (Rs.)</i>
1	Loss of income for 6 months	36000
2	Transportation	10000
3	Extra nourishment	15000
4	Damages to clothes	1000
5	Medical expenses	25000



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S.No.	Heads	Amount (Rs.)
6	Future medical expenses	35000
7	Attender charges	15000
8	Mental agony to the Petitioner	20000
9	Loss of amenities of life	30000
10	Pain and sufferings	40000
11	Disability of 65% at the rate of Rs.2,000/- per disability	130000
12	Loss of earning power Rs.6000/-x12x16x40%	460800
	Total	817800

8.After perusing the entire records and also taking note of the fact that 65% disability has been fixed by the Doctor and considering the nature of the injuries the trial Court has held the disability at 40% as functional disability and hence, I find that the Tribunal's award is just and fair. Accordingly, the Appeal filed by the claim Petitioner seeking enhancement of compensation is dismissed. No costs.

12.03.2024

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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To
The II Judge,
Court of Small Causes,
(Motor Accident Claims Tribunal),
Chennai.



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RMT.TEEKAA RAMAN.J,

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C.M.A.No.415 of 2018

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