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C.M.A.No.2467 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

C.M.A.No.2467 of 2023

R.Srinivasan

.. Appellant

Vs.

1.S.Rajesh Kumar

2.National Insurance Co. Ltd.,
Motor Third Party Claims Cell,
No.46, Regina Mansion,
Moore Street, Chennai – 600 001.

.. Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, praying to enhance the compensation amount made in judgment and decree dated 16.08.2022 made in M.C.O.P.No.7115 of 2016 on the file of the Motor Accident Claims Tribunal, in the IV Court of Small Causes, Chennai, by allowing this Civil Miscellaneous Appeal.

For Appellant : Ms.K.Ashwini
for Mr.V.Tamilamudhu

For R2 : Mr.C.Johnson



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J U D G M E N T

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The claimant not being satisfied with the compensation fixed by the Tribunal has filed the present appeal against the award passed by the Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai, in M.C.O.P.No.7115 of 2016 dated 16.08.2022.

2.Heard the learned counsel for the appellant and the learned counsel for the 2nd respondent.

3.The case of the claimant is that he was riding a two wheeler on 17.06.2014 and at about 23.30 hours, the offending vehicle, which was a Tata Indica car was driven in a rash and negligent manner and it hit the two wheeler driven by the claimant, as a result of which the claimant fell down and he was diagnosed with IDK on the right knee. P.W.2, who was the Doctor who treated the claimant, assessed the partial permanent disability at 15% on the ground that there was injury on the right knee which resulted in contusion and the range of movements were painful and restricted.



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4.The Tribunal took into consideration the CT-Scan report which was marked as Ex.P3, in which it was noted as follows:

*“A soft tissue hematoma – 3.8*1.4 cms visualized in the subcutaneous plane alongside the proximal tibia on the antero medial side. No bony fracture evident. Lower end of the femur is normal. Alignment of bones is normal. The articular surface appears normal. The patella is normal. Patello femoral joint appears normal. The tibial plateau is normal. The intercondylar spine is normal. The upper one third of the tibia and fibula are normal. Myotendinous structures are normal.”*

5.In view of the above, the Tribunal came to a conclusion that the claimant did not suffer any fracture and everything was found to be normal as per the scan report. At the best, the claimant had only sustained tissue damage. In view of the same, the Tribunal fixed a lumpsum compensation of Rs.35,000/-.

6.This Court does not find any ground to enhance the compensation in this case and the compensation fixed by the Tribunal is



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reasonable.
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7. Accordingly, the compensation awarded by the Tribunal at Rs.35,000/- stands confirmed and the 2nd respondent-Insurance Company is directed to deposit the compensation, if not already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of four weeks from the date of receipt of this judgment. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

8. In the result, the Civil Miscellaneous Appeal is dismissed. No costs.

09.07.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No



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To

1.The IV Judge,
Motor Accident Claims Tribunal,
Small Causes Court, Chennai.

2.The Section Officer,
VR Section,
Madras High Court,
Chennai.



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N.ANAND VENKATESH, J.

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