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C.M.A.No.1371 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2024

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THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.1371 of 2020

and

C.M.P.No.10138 of 2020

The Branch Manager,
Reliance General Ins. Co. Ltd.,
II Floor, Shri Abirami Towers, 43 B, Cowley Brown Road,
R.S.Puram, Coimbatore - 641 002. ... Appellant

Vs.

1.S.Pushparaj
2.George Kennedy ... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 challenging the Judgment and Decree dated 24.01.2020 made in M.C.O.P. No.2043 of 2018 on the file of the Motor Accident Claims Tribunal, Special Sub Court (MCOP), Coimbatore.

For Appellant : Mr.C.Bhuvanasundari

For Respondents : Mr.M.Lokesh - R1

R2 - No Appearance

JUDGMENT

This appeal has been filed by the Insurance Company, questioning the quantum of compensation awarded by the Tribunal under the impugned award. The respondent / claimant sustained right temporo parietal



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craniotomy with EDH evacuation causing mass effect over the right lateral ventricle and third ventricle it midline shift of 6 mm to left, minimal SAH noted in both sylvian fissure and left frontal sulci. The injuries sustained by the respondent / claimant are all brain and skull injuries which are grievous in nature.

2. According to the appellant Insurance Company, the compensation awarded by the Tribunal totally amounting to Rs.6,13,205/- under various heads is excessive. But, this Court rejects the said contention after giving due consideration to the nature of injuries sustained by the respondent / claimant as stated supra and after giving due consideration to the evidence placed on record by the respondent / claimant. Having sustained brain and skull injuries, the appellant Insurance Company cannot contend that the disability compensation awarded by the Tribunal to the respondent / claimant at Rs.75,000/- is excessive.

3. Though a report was not called for by the Tribunal from the Medical Board and there is no disability certificate placed on record, this Court can take Judicial Notice to the seriousness of the respondent's / claimant's injuries as admittedly he has sustained brain and skull injuries



which would have required extensive medical treatment.

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4. The nature of injuries sustained by the respondent / claimant as disclosed in the award passed by the Tribunal is also not disputed by the learned counsel for the appellant and the evidence placed on record also confirms the same. Considering the nature of injuries sustained by the respondent / claimant, this Court is of the considered view that the compensation awarded by the Tribunal under various heads viz.,

a) compensation for grievous injuries;

b) loss of income;

c) pain and sufferings;

d) loss of amenities;

e) medical bills;

f) extra nourishment;

g) transport; and

h) damage to clothing and articles

amounting to Rs.6,13,205/- is a just compensation which does not call for any reduction by this Court.



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ABDUL QUDDHOSE. J.,

ab

5. For the foregoing reasons, there is no merit in this appeal. Accordingly, this appeal is dismissed. No Costs. Consequently, the connected miscellaneous petition is closed.

11.06.2024

Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
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To

1. The Motor Accident Claims Tribunal, Special Sub Court (MCOP), Coimbatore.
2. The Section officer, Record Section, High Court of Madras.

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