



C.M.A.No.537 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

C.M.A.No.537 of 2023

Porchelvan

.. Appellant

(The petitioner declared as major as per order in M.P.No.244 of 2015)

Vs.

1.Tamilselvi

2.Universal Sompo General Insurance Company Ltd.,
Capitale Towers, 5th Floor, 554 & 555, Anna Salai,
Opp. To Anna Arivalayam, Teynampet,
Chennai – 600 018.

.. Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, praying to allow this appeal and to enhance the amount awarded in M.C.O.P.No.4343 of 2012 dated 14.02.2020 on the file of the Motor Accident Claims Tribunal, (Small Causes Court, Special Sub Court No.2), Chennai.

For Appellant : Mr.K.Varadha Kamaraj

For R2 : Mrs.R.Sreevidhya



C.M.A.No.537 of 2023

J U D G M E N T

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The claimant not being satisfied with the quantum of compensation has filed the present appeal against the award passed by the Motor Accident Claims Tribunal, Special Sub Court No.2, Small Causes Court, Chennai, in M.C.O.P.No.4343 of 2012 dated 14.02.2020.

2.The case of the claimant is that on 27.07.2012 he was traveling as a pillion rider in a two wheeler at Madhavaram High Road and at about 15.00 hours, the auto which was the offending vehicle was driven in a rash and negligent manner and it dashed on the two wheeler as a result of which the claimant fell down and sustained laceration and crush injury in his right little and ring finger. The claimant underwent treatment as an outpatient and his disability was assessed at 20%. It is under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation.

3.The Tribunal on considering the facts and circumstances of the case and on appreciation of the oral and documentary evidence, came to



C.M.A.No.537 of 2023

a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the rider of the offending vehicle.

4.The Tribunal having rendered the above finding, proceeded to fix the total compensation at Rs.3,02,000/- under various heads as follows:

1.For loss of earning capacity	-	Rs.2,52,000/-
2.For pain and sufferings	-	Rs.25,000/-
3.For transportation	-	Rs.5,000/-
4.For extra nourishment	-	Rs.10,000/-
5.For attender charges	-	Rs.10,000/-

Total		Rs.3,02,000/-
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5.The above compensation was directed to be paid with interest at the rate of 7.5% per annum.

6.The claimant not being satisfied with the quantum of compensation fixed by the Tribunal has filed the present appeal seeking



C.M.A.No.537 of 2023

for enhancement of compensation.

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

8. This Court has carefully considered the submissions made on either side and the materials available on record.

9. This Court has also carefully gone through the award passed by the Tribunal.

10. In the considered view of this Court, considering the nature of injuries sustained by the claimant and the quantum of compensation that has been granted by the Tribunal under various heads, this Court finds it to be very reasonable and there is no ground to enhance the same.

11. Accordingly, the compensation awarded by the Tribunal at Rs.3,02,000/- 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



C.M.A.No.537 of 2023

petition till the date of deposit within a period of four weeks from the date of receipt of a copy of this judgment. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

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

29.07.2024

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

To

1.The Special Sub Judge No.2,
Motor Accident Claims Tribunal,
Small Causes Court, Chennai.

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



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C.M.A.No.537 of 2023

N.ANAND VENKATESH, J.

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C.M.A.No.537 of 2023



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C.M.A.No.537 of 2023

29.07.2024