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CMA NOS.3272 OF 2021 & 108 OF 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

JUDGMENT RESERVED ON: 19 / 07 / 2024

JUDGMENT DELIVERED ON: 27 / 09 / 2024

CORAM:

**THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL**

CMA NOS.3272 OF 2021 AND 108 OF 2022

AND

CMP NO.18594 OF 2021 IN CMA NO.3272 OF 2021

AND

CMP NOS.12153 AND 14506 OF 2024 IN CMA NO.108 OF 2022

CMA NO.3272 OF 2021

M/s.United India Insurance Co. Ltd.,
No.134, Lakshmi Bhavan, III Floor,
Greaves Road,
Chennai – 600 006.

... Appellant /
2nd Respondent

Vs.

1.K.Feroz Kumar

... 1st Respondent /
Petitioner

2.S.Gajalakshmi

... 2nd Respondent /
1st Respondent



CMA NOS.3272 OF 2021 & 108 OF 2022

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, praying to set aside the Award dated 30.06.2020 made in M.C.O.P.No.131 of 2013 on the file of the Motor Accidents Claims Tribunal, II Court of Small Causes, Chennai.

For Appellant : Mr.S.Arunkumar
For Respondent-1 : Mr.K.Malaikannu
For Respondent-2 : Mr.Selvarajasekaran

CMA NO.108 OF 2022

K.Feroz Kumar ... Appellant /
Petitioner

Vs.

1.S.Gajalakshmi ... 1st Respondent /
1st Respondent

2.M/s.United India Insurance Co. Ltd.,
No.134, Lakshmi Bhavan, III Floor,
Greens Road,
Chennai – 600 006. ... 2nd Respondent /
2nd Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, praying to enhance the Award dated 30.06.2020 made in M.C.O.P.No.131 of 2013 on the file of the Motor Accidents Claims Tribunal, II Court of Small Causes, Chennai.

For Appellant : Mr.K.Malaikannu
For Respondent-1 : Mr.Selvarajasekaran
For Respondent-2 : Mr.S.Arunkumar



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COMMON JUDGMENT

R.SAKTHIVEL, J.

Challenging the quantum of compensation awarded by 'the Motor Accident Claims Tribunal (II Court of Small Causes) Chennai' ('Tribunal' for short) vide its 'Award dated June 30, 2020, made in M.C.O.P.No.131 of 2013 (henceforth 'Impugned Award'), the 2nd respondent / Insurance Company therein has preferred C.M.A No.3272 of 2021 praying to set aside the same and reduce the compensation.

2.On the other hand, feeling aggrieved with the quantum of compensation awarded by the Tribunal vide the Impugned Award, the petitioner therein has preferred C.M.A No.108 of 2022, praying to set aside the Impugned Award and enhance the compensation.

3.This common judgment shall govern both the aforementioned Civil Miscellaneous Appeals.

4.For the sake of convenience, the parties in these appeals will be referred to as per their array in the Claim Petition.

Claimant's case:



5. On January 23, 2012, at about 08.00 hours, the petitioner, who was then a minor, was travelling as a pillion rider on Motorcycle bearing Registration No.TN-03-E-9867, which was being ridden by his father. They were proceeding from Tondiarpet to their home in North to South direction. While nearing IOC 2nd Bridge, Nethaji Nagar, an Oil Tanker Lorry bearing Registration No.TN-23-H-7209 came from behind in a rash and negligent manner and hit the motorcycle leading to an accident. Due to the accident, the petitioner sustained grievous injuries including injuries to his Penis and Left Testis. The first respondent is the owner and the second respondent is the insurer of the Oil Tanker Lorry. Hence, the petitioner filed a Claim Petition before the Tribunal claiming a sum of Rs.60,00,000/- (Rupees Sixty-Lakh only) as compensation from the respondents under various heads.

Respondents' case:

6. The first respondent – S.Gajalakshmi is the owner of the Oil Tanker Lorry. She remained absent and hence, set *ex-parte* before the Tribunal.

7. The second respondent – Insurance Company filed a



counter denying the manner of accident and the injuries sustained by the petitioner. Further, it claimed that the compensation sought is excessive. Accordingly, it sought for dismissal of the Claim Petition.

8.Before the Tribunal, the petitioner examined himself as P.W.1 and Ex-P.1 to Ex-P.14 were marked. On the side of the respondents, neither witnesses were examined nor documents were marked. Disability Certificate issued by the Medical Board was marked as Ex-C.1.

9.The Motor Accident Claims Tribunal after analysing the oral and documentary evidence, concluded that the accident occurred due to the rash and negligent driving of the driver of the first respondent's Oil Tanker Lorry. Since the first respondent's Oil Tanker Lorry was insured with the second respondent – Insurance Company and the insurance policy was in force on the date of accident, the Tribunal held that the second respondent is liable to pay compensation to the petitioner and accordingly, awarded compensation of Rs.17,25,200 (Rupees Seventeen Lakh Twenty-Five Thousand and Two-Hundred only).

10.Challenging the quantum of compensation arrived at by



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the Tribunal, the second respondent – Insurance Company has filed C.M.A No.3272 of 2021 praying to set aside the Award and reduce the compensation.

11.Meanwhile, not satisfied with the compensation awarded by the Tribunal, the petitioner has filed C.M.A No.108 of 2022 praying to enhance the compensation.

Arguments:

12.The learned counsel for the petitioner argued that the petitioner, a school student aged 13 years at the time of accident, was forced to discontinue his studies because of the accident. The petitioner was admitted to the Hospital multiple times as in-patient, totally for more than six months. The petitioner underwent multiple surgeries. The Petitioner's penis was partly amputated, and his left testis was surgically removed. The petitioner is still undergoing treatment periodically.

12.1.Further argued that this Court vide order dated 21st June 2023, referred the petitioner for medical assessment to the Medical Board. The Medical Board assessed the disability of the petitioner at 47% and issued Report dated March 25, 2024 to that effect. The fact that the



accident occurred in 2012 and the petitioner is still experiencing 47% disability in 2024 unequivocally highlights the grievous nature of the injuries sustained and the permanent nature of the disability.

12.2.Further, he argued that the Tribunal has failed to consider the Mental Trauma underwent by the petitioner at such a tender age and the continuing nature of it. The petitioner continues to suffer from pain and infections owing to the grievous nature and sensitive location of the injuries. Accordingly, the learned counsel prayed to enhance the Award amount taking into consideration all the relevant factors including the mental trauma undergone by the petitioner and the ongoing nature of pain and sufferings.

13.Per contra, learned counsel for the second respondent / Insurance Company has submitted that the disability suffered by the petitioner is not permanent in nature. The Tribunal has awarded compensation as if the disability caused to the petitioner is permanent in nature. The compensation awarded by the Tribunal is excessive and irrational. Accordingly, he prayed to reduce the quantum of compensation.

Discussion and Decision:



14.This Court has heard the submissions made on either side and perused the materials available on record.

15.The Regional Medical Board, Government Stanley Hospital, Chennai assessed the disability of the petitioner on January 27, 2020 as 24% temporary disability. Pursuant Report has been marked as Ex-C.1. Thereafter, during the pendency of this appeal, a Co-ordinate Bench of this Court vide its Order dated June 21, 2023, directed the petitioner to appear before Medical Board for reassessing his disability. It is apposite to extract the relevant portion of the said Order hereunder:

“In this case, after hearing the matter for sometime, it is seen that the claimant was 13 years of age at the time of accident. The nature of injuries are around the hip and his private parts. It is pleaded that one of the testicles was also lost. However, since he was in growing up stage, at the time of trial, in the M.C.O.P, the opinion was that the disability was only temporary and accordingly, compensation was paid. According to the learned counsel for the appellant his disability is permanent in nature, which is opposed by the learned counsel for the Insurance Company. Feeling aggrieved, the claimant had filed the application for enhancement. Feeling aggrieved by the temporary assessment and also aggrieved against the award of compensation under various heads, the Insurance Company is also on appeal.

2.After considering the facts and circumstances, we are of the view that, so as to ascertain the actual condition and disability of the claimant, once again, he needs to be referred to the Medical Board. For this, the learned counsel for the claimant would submit that he had already filed an application and the same is in SR stage.



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3.Be that as it may, we ourselves are inclined to refer the claimant for assessment to the Medical Board. Accordingly, the claimant viz., K.Feroz Kumar S/o R.Kumar @ Sathakumar is directed to appear before the Medical Board at Rajiv Gandhi Government General Hospital, Chennai on 30.06.2023 or any such date thereafter, fixed by the Medical Board and the Medical Board shall assess the claimant as to whether he has permanent disability and if so, to what extent, and the report shall be filed before this Court on 17.07.2023.”

15.1.In furtherance of the said Order of this Court, the petitioner appeared before the Medical Board constituted by the Dean of Rajiv Gandhi Government General Hospital, Chennai. The Medical Board examined the petitioner and forwarded the Report dated 25 March 2024 to this Court. **This Court is inclined to hereby mark the said Report as Ex-C.2.**

16.Further, pending the appeal, the petitioner filed a petition under Order XLI Rule 27 of the Code of Civil Procedure, 1908, praying to accept 15 additional documents. Out of the said 15 documents, 14 documents are photocopies of medical records and test reports issued by Government Hospitals while 1 document is a photocopy of the petitioner's School Transfer Certificate dated December 22, 2021. It is true that the petitioner ought to have produced the originals and not the photocopies.



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But, in the affidavit filed in support of this Petition, it has been stated that 14 out of the 15 documents are photocopies of Medical Records provided by the Medical Boards after assessing the petitioner's disability. As far as the School Transfer Certificate is concerned, the petitioner has deposed that he dropped out of school and his evidence is reliable for the reasons to be stated *infra*. Hence, no prejudice would be caused to the respondent if the documents are marked. **Accordingly, this Court is inclined to allow the Civil Miscellaneous Petition No.14506 of 2024 and hereby marks the 15 additional documents as Ex-P.15 to Ex-P.29, which reads as under:**

<i>S.No.</i>	<i>Dated</i>	<i>Exhibits</i>	<i>Description of documents</i>
1	02.11.2019	Ex-P.15	Photocopy of test report furnished by S.M.C. Hospital
2	16.02.2022	Ex-P.16	Photocopy of Disability Certificate issued by S.M.C. Hospital Medical Board
3	08.08.2023	Ex-P.17	Photocopy issued by URO-II Unit R.G.G.G.H Listing past history of treatment
4	09.08.2023	Ex-P.18	Barnad Institute of Radiology USG Seretum Test Report R.G.G.G.H
5	09.08.2023	Ex-P.19	Photocopy of BIR R.G.G.G.H. USG Abdomen report
6	12.08.2023	Ex-P.20	Photocopy of Test report of Neurology Department R.G.G.G.H
7	12.08.2023	Ex-P.21	Photocopy of Test report of Cardiology Department R.G.G.G.H
8	16.08.2023	Ex-P.22	Photocopy of Test report of Psychiatry R.G.G.G.H



<i>S.No.</i>	<i>Dated</i>	<i>Exhibits</i>	<i>Description of documents</i>
9	17.08.2023	Ex-P.23	Photocopy of OP Chit Ortho IV Unit with observations
10	21.08.2023	Ex-P.24	Photocopy of Test Report issued by Government Institute of Rehabilitation Medicine, K.K.Nagar
11	22.08.2023} 25.08.2023} 17.10.2023} 26.02.2024}	Ex-P.25	Photocopy of report of URO II and Endocrinology Department
12	27.02.2024	Ex-P.26	Photocopy of MRI report of Pelvis
13	04.03.2024	Ex-P.27	Photocopy of Radiology
14	25.03.2024	Ex-P.28	Photocopy of Disability Certificate issued by R.G.G.G.H Medical Board
15	-	Ex-P.29	T.C. Issued by Dhanalakshmi Higher Secondary School

17.A bare perusal of the evidence of P.W.1 coupled with Ex-P.1 (Accident Register), Ex-P.2 (First Information Report) and Ex-P.3 (Charge Sheet) would clearly establish the manner of the accident. The petitioner, who was examined as P.W.1, has deposed that on January 23, 2012, at about 08.00 a.m., he was travelling as a pillion rider on the Motorcycle bearing Registration No.TN-03-E-9867 being ridden by his father. He further deposed that, while so, an Oil Tanker Lorry bearing Registration No.TN-23-H-7209 came from behind in a rash and negligent manner and dashed against the motorcycle, as a result of which, he fell from the motorcycle and the left side back wheel of the Tanker Lorry ran



over his hip causing him grievous injuries including injuries to his Penis and Left Testis. To be noted, the Insurance Company has not challenged the manner of accident in this Appeal. The only challenge here is to the quantum of compensation. Hence, there is no need to interfere with the findings of the Tribunal that the accident occurred due to the rash and negligent driving of the driver of the first respondent's Lorry and that the Lorry was insured with the 2nd respondent at the time of accident and hence the 2nd respondent is liable to pay compensation to the petitioner. Therefore, this Court upholds the same.

18.In Ex-C.2 - Report forwarded by the Medical Board, the Medical Board has made the following observations:

“Post Traumatic Sequele

(1)Degloving injury lower anterior abdominal wall

(2)Macerated external genitalia

(3)Partial amputation of penis

(4)Pelvic injury – fracture neck of femur

Right side fracture interior pubic Rami, right iliac bone fracture, left orchidectomy done, post penile reconstruction, urethral reconstruction surgery. Locomotor disability assessed. Total locomotor disability is 47% (Forty Seven percent). Urological assessment for disability was done since patient was not willing for penile doppler investigation.”



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19.From the evidence of P.W.1 coupled with the medical evidence including Discharge Summaries, Documents for continuous treatment, X-rays, Photographs of injuries and injured parts (Ex-P.4 to Ex-P.10) as well as Ex-C.2-Report of the Medical Board, it is easily discernible that the claimant sustained the following injuries:

- (i)Fracture of Neck of Femur*
- (ii)Fracture of Remus*
- (iii)Fracture of Pubic bone*
- (iv)Fracture of Iliac Bone*
- (v)Grievous injury in urinary bladder and urinary track*
- (vi)Crush injury of Pennis*
- (vii)Grievous injury in left testis*

20.The evidence of P.W.1 coupled with the aforementioned medical evidence further proves the following facts:

(i)After the accident, the petitioner was admitted in Government Stanley Hospital on January 23, 2012, and obtained treatment in the hospital until May 7, 2012 for about 107 days. During the time, he underwent surgeries on January 23, 2012, and April 17, 2012 *for webex orchidectomy and cancellous screw fixation.*

(ii)Then he was re-admitted in the same hospital on September 13, 2012, and underwent surgery on September 28, 2012. He



was discharged on October 6, 2012.

(iii) Thereafter, he was again readmitted on January 19, 2013, and discharged on March 2, 2013 after undergoing multiple surgeries on various dates viz., January 24, 2013, February 7, 2013 and February 21, 2013.

(iv) Thereafter, he was once again readmitted on December 26, 2013, underwent surgery on December 27, 2013, and discharged on December 28, 2013.

(v) Further, he received treatment and underwent a surgery in the Department of Plastic Surgery at Government Royapettah Hospital.

(vi) *In toto*, the petitioner was admitted in Hospital in four spells and underwent as many as seven surgeries, including surgeries for removal of his left testis (Ex-P.9), treatment for fractured femur, and partial amputation of the penis (Ex-P.4).

(vii) Further, since the petitioner sustained fracture at neck of Femur, he had undergone surgery on January 23, 2012. The plates and screws installed thereby are yet to be removed from his body and it costs around Rs.60,000/- for removal of the same. To that effect, Dr.



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K.J.Mathialagan, working as an Ortho Surgeon at M.R.Hospital, has issued a Certificate (Ex-P.14).

21.Further, P.W.1 in his chief-affidavit has stated that at the time of accident, the petitioner was pursuing seventh standard. Due to the accident, he was unable to attend school regularly and as a result, he dropped out. Further, the accident caused damage to his urinary tract, leading to difficulties in urination as well as urinary incontinence. The accident has also resulted in recurrent infections. Further stated that the nature of injuries sustained by him resulted in erectile dysfunction, due to which, his potential for enjoying sexual pleasure in his marital life or even otherwise has been adversely affected. The injuries sustained on his hip and thighs, has made it difficult for him to sit, stand, and walk for extended periods. Further stated that, as a result of all these, the petitioner experiences severe mental distress. He is still undergoing treatment, and doctors have opined that he will need to continue treatment for the rest of his life.

21.1.Reading the above evidence of P.W.1 in conjunction with the aforementioned medical evidence would show that his evidence is true



and reliable. There is nothing to shake or reject the same.

22.This Court would now assess whether the quantum of compensation awarded by the Tribunal under various heads are justifiable or not in light of the above discussion.

23.The Tribunal has awarded compensation of Rs.17,25,200/- (Rupees Seventeen Lakh Twenty Five Thousand and Two Hundred only) under various heads as tabulated hereunder:

<i>Sl.No.</i>	<i>Head</i>	<i>Amount in Rs.</i>
1	Functional Disability	3,88,800.00
2	Pain and Suffering	3,00,000.00
3	Extra Nourishment	2,00,000.00
4	Transport to Hospital	2,00,000.00
5	Damages to clothes	1,000.00
6	Attender charges	35,400.00
7	Medical expenses	2,00,000.00
8	Future Medical expenses	1,00,000.00
9	Loss of Education	1,00,000.00
10	Loss of Marriage Prospects	1,00,000.00
11	Loss of Amenities	1,00,000.00
	Total	17,25,200.00

24. Functional Disability:

24.1.Considering the nature of the injuries and the disabilities, the Tribunal employed the multiplier method and used the multiplier of 18.



Further, it took Notional Income at Rs.5,000 per month and applied 50% Future Prospects. By relying on Ex-C.1 - Medical Board's Report, it took functional disability as 24% Permanent Disability. Thus, the Tribunal arrived at a compensation of Rs.3,88,800/- for Functional Disability.

24.2.The Tribunal has rightly employed the multiplier method in line with the decision of the Hon'ble Supreme Court in ***Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.*** reported in ***(2009) 6 SCC 121***. In Ex-C.2 - Report of the Medical Board, it has been stated that *Total locomotor disability is 47% (Forty Seven percent)*. The fact that the accident occurred in 2012 and the petitioner is still suffering from a 47% disability in 2024 clearly indicates the severity of the injuries sustained and the permanent nature of the disability. From the evidence of P.W.1 captured in Paragraph No.21 of this Judgment, it is clear that the permanent disability has directly affected his day-to-day activities in all aspects including studies, earning capacity, *etc*, and thus, caused functional disability. The Tribunal has taken the Notional Income at Rs.5,000/- per month which appears to be on the lower side. Considering the fact that the petitioner was aged 13 years and pursuing 7th Standard at



the time of accident as well as the year of accident (2012), this Court fixes the Notional Income at Rs.7,500/- per month. By adding Future Prospects at 40% and applying multiplier of 18 and by taking the functional disability as 47%, this Court arrives at a compensation of Rs.10,65,960/-.

25.Pain and Suffering:

25.1.While awarding a compensation of Rs.3,00,000/- under the head of Pain and Suffering, the Tribunal has failed to consider the Mental Trauma suffered by the petitioner at such a tender age and its enduring nature. Hence, setting aside the compensation awarded by the Tribunal under the head - Pain and Suffering, this Court awards a compensation of Rs.4,00,000/- under the head - Pain, Suffering and Mental Trauma.

26.Extra nourishment, Transportation to Hospital, Damages to Clothes & Attender Charges:

26.1.Under the aforementioned mentioned heads, the Tribunal awarded Rs.2,00,000/-, Rs.2,00,000/-, Rs.1,000/-, Rs.35,400/- respectively



as compensation. The same appears to be reasonable and therefore, they are hereby confirmed.

27.Medical Expenses

27.1.Though the petitioner was taking treatment in a Government Hospital, considering the period of treatment viz., approximately 3 years, and the nature of injuries, the Tribunal held that the petitioner would have incurred medical expenses and accordingly, awarded Rs.2,00,000/- under this head.

27.2.It is true that the Petitioner obtained treatment throughout in Government Hospitals. Though, in reality, the petitioner might have incurred some medical expenses even while obtaining treatment from a Government Hospital, this Court cannot award compensation under this head in the absence of proof for the same. The only Medical Bill he has annexed is under Ex-P.7, for a sum of Rs.750/-. Hence, the compensation of Rs.2,00,000/- awarded by the Tribunal under this head is reduced to Rs.750/-.

28.Future Medical Expenses

28.1.The Tribunal has awarded Rs.1,00,000/- as



compensation under this head. Ex-P.14 - Medical Estimate evinces that the petitioner has to undergo a surgery and would incur a bill of Rs.60,000/-. Further, as stated *supra*, P.W.1 has been under continuous treatment since 2012. Considering these facts, this Court is of the view that the compensation awarded by the Tribunal under this head is just, fair and reasonable.

29.Loss of Education

29.1.The Tribunal has awarded Rs.1,00,000/- under this head. P.W.1 has deposed that he had to drop out of school because of the injuries sustained by him in the accident and their consequences. As alluded to *supra*, the Insurance Company has not shaken the evidence of P.W.1 nor is there anything to suggest the contrary. Further, Ex-P.29 - School Transfer Certificate of the petitioner issued in the year 2021 clearly proves that he dropped out after 7th Standard. Hence, the Tribunal is right in awarding compensation under this head, however, the compensation awarded is on the lower side. In today's competitive world, education becomes a fundamental human need and assumes paramount significance. Hence, this Court is of the view that a compensation of Rs.2,00,000/- under this head



would be a just and fair compensation.

30.Loss of Marriage Prospects:

30.1.The Tribunal has awarded a compensation of Rs.1,00,000/- under this head. As alluded to *supra*, petitioner's penis has been partly amputated and his left testis has been removed. P.W.1 has deposed that his life has become meaningless as he has become unfit for marital life. In the eyes of law, the ultimate purpose behind marriage is procreation and the petitioner has lost his ability to procreate. In the facts and circumstances of this case, the Court is of the view that the compensation awarded by the Tribunal under this head is inadequate. Hence this Court enhances the compensation under this head to Rs.3,00,000/-.

31.Loss of Amenities:

31.1.Under this head, the Tribunal awarded a compensation of Rs.1,00,000/-. Considering the facts and circumstance of the case, this Court is of the view that there is no need of any interference with the



quantum of compensation awarded under this head. Hence the same is hereby confirmed.

32.The compensation as modified by this Court is tabulated below:

<i>S.No</i>	<i>Head</i>	<i>Amount Rs.</i>
1	Functional Disability FP = Rs.7,500/- (NI) + 40% = Rs.10,500/-Rs.10,500/- (FP) X12 (m) X 18 (M) X 47% (PD)	10,65,960.00
2	Pain, Suffering and Mental Trauma	4,00,000.00
3	Extra nourishment	2,00,000.00
4	Transportation to Hospital	2,00,000.00
5	Damages to clothes	1,000.00
6	Attender charges	35,400.00
7	Medical expenses	750.00
8	Future Medical expenses	1,00,000.00
9	Loss of Education	2,00,000.00
10	Loss of Marriage Prospects	3,00,000.00
11	Loss of Amenities	1,00,000.00
	Total	26,03,110.00
Note: (1) NI = Notional Income (2) FP = Future Prospects (3) M = Multiplier (4) m= months (5) PD = Permanent Disability		

33.Thus, the petitioner / claimant is entitled to a sum of **Rs.26,03,110.00/- (Rupees Twenty Six Lakh Three Thousand One Hundred and Ten Only)** as compensation from the second respondent /



Insurance Company. Petitioner is entitled to interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit. Further, the petitioner is entitled proportionate costs and Advocate fees as per Rules.

34.The second respondent / Insurance company is directed to deposit the **enhanced award amount of Rs.26,03,110.00/- (Rupees Twenty Six Lakh Three Thousand One Hundred and Ten Only)** along with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit, to the credit of MCOP No.131 of 2013 on the file of Motor Accidents Claims Tribunal, II Court of Small Causes, Chennai, less the amount if any already deposited, within a period of two months from the date of receipt of a copy of this judgment. On such deposit being made, the petitioner / claimant is entitled to withdraw the same, by filing proper application.

35.In fine,

(i)Disability Certificate dated March 25, 2024 issued by the Regional Medical Board, Rajiv Gandhi Government General Hospital,



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Chennai is received and the same is marked as Ex-C.2.

(ii)The Civil Miscellaneous Petition in CMP No.14506 of 2024 in CMA No.108 of 2022 is allowed. Additional documents are received and marked as Ex-P.15 to Ex-P.29.

(iii)The appeal filed by the second respondent/Insurance Company in CMA No.3272 of 2021 is dismissed.

(iv)The appeal filed by the petitioner/claimant in CMA No.108 of 2022 is allowed in part and modified Award is passed as detailed in paragraph No.32 of this judgment.

(v)Since the documents sought to be received in CMP No.12153 of 2024 in CMA No.108 of 2022 have already been received today vide CMP No.14506 of 2024 in CMA No.108 of 2022, no order is necessary in CMP No.12153 of 2024 and accordingly, the same is closed.



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(vi) There shall be no order as to costs.

(vii) Consequently, connected Civil Miscellaneous Petition in
CMP No.18594 of 2021 in CMA No.3272 of 2021 is closed.

[R.S.M., J.]

[R.S.V., J.]

27 / 09 / 2024

Index : Yes
Internet : Yes
Neutral Citation : Yes
Speaking Order
TK

**LIST OF ADDITIONAL DOCUMENTS MARKED ON THE SIDE OF THE
APPELLANT / PETITIONER AS PER THE ORDER PASSED IN CMP
NO.14506 OF 2024 IN CMA NO.108 OF 2022**

<i>S.No.</i>	<i>Dated</i>	<i>Exhibits</i>	<i>Description of documents</i>
1	02.11.2019	Ex-P.15	Photocopy of test report furnished by S.M.C. Hospital
2	16.02.2022	Ex-P.16	Photocopy of Disability Certificate issued by S.M.C. Hospital Medical Board



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<i>S.No.</i>	<i>Dated</i>	<i>Exhibits</i>	<i>Description of documents</i>
3	08.08.2023	Ex-P.17	Photocopy issued by URO-II Unit R.G.G.G.H Listing past history of treatment
4	09.08.2023	Ex-P.18	Barnad Institute of Radiology USG Seretum Test Report R.G.G.G.H
5	09.08.2023	Ex-P.19	Photocopy of BIR R.G.G.G.H. USG Abdomen report
6	12.08.2023	Ex-P.20	Photocopy of Test report of Neurology Department R.G.G.G.H
7	12.08.2023	Ex-P.21	Photocopy of Test report of Cardiology Department R.G.G.G.H
8	16.08.2023	Ex-P.22	Photocopy of Test report of Psychiatry R.G.G.G.H
9	17.08.2023	Ex-P.23	Photocopy of OP Chit Ortho IV Unit with observations
10	21.08.2023	Ex-P.24	Photocopy of Test Report issued by Government Institute of Rehabilitation Medicine, K.K.Nagar
11	22.08.2023 } 25.08.2023 } 17.10.2023 } 26.02.2024 }	Ex-P.25	Photocopy of report of URO II and Endocrinology Department
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15	-	Ex-P.29	T.C. Issued by Dhanalakshmi Higher Secondary School

LIST OF ADDITIONAL DOCUMENT MARKED AS COURT EXHIBIT

<i>S.No.</i>	<i>Dated</i>	<i>Exhibits</i>	<i>Description of documents</i>
1	25.03.2024	Ex-C.2	Medical Board's Report issued by the Regional Medical Board, R.G.G.G.H, Chennai



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CMA NOS.3272 OF 2021 & 108 OF 2022

[R.S.M., J.]

[R.S.V., J.]

27 / 09 / 2024

To

The Motor Accidents Claims Tribunal
II Court of Small Causes
Chennai.



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CMA NOS.3272 OF 2021 & 108 OF 2022

R.SUBRAMANIAN, J.

AND

R.SAKTHIVEL, J.

TK

PRE-DELIVERY COMMON JUDGMENT MADE IN
CMA NOS.3272 OF 2021 AND 108 OF 2022

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