



C.M.A.No.2303 of 2024
and C.M.P.No.17990 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2024

CORAM:

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

CMA.No.2303 of 2024

and

C.M.P.No.17990 of 2024

Manager,
Reliance General Insurance Company Limited,
Reliance Center South Wing, 4th Floor
Office : Western Express Highway,
Santacruz East, Mumbai,
Maharashtra - 400 055.

...Appellant

.Vs.

1.Gnanambal

2.Natarajan

...Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Award dated 27.01.2023 in M.C.O.P.147 of 2020 on the file of the Motor Accidents Claims Tribunal, Subordinate Court, Rasipuram.

For Appellant : Ms.C.Bhuvanasundari

For R1 : Mr.S.P.Yuaraj



C.M.A.No.2303 of 2024
and C.M.P.No.17990 of 2024

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JUDGMENT

The appellant, the Reliance General Insurance Company Limited is the second respondent in M.C.O.P.147 of 2020 on the file of the Motor Accidents Claims Tribunal, Subordinate Court, Rasipuram. The first respondent filed the above said claim petition under Section 166 of the Motor Vehicles Act seeking compensation of Rs.18,00,000/- for the injuries sustained by her in a road accident that took place on 14.01.2020.

2. The brief case of the claimant is as follows:

On 14.01.2020, the claimant was travelling in a Maruthi Car bearing Registration Number TN-28-AZ-5555 on Karur - Namakkal National Highway. The driver of the car drove the vehicle rashly and negligently, as a result of which, the car fell down on the left hand side of the road and the claimant sustained grievous injuries. She was immediately rushed to Akshaya Hospital, Namakkal. After getting first aid, she got herself admitted in Ganga Hospital, Coimbatore where she was treated as an inpatient for about three months.



C.M.A.No.2303 of 2024
and C.M.P.No.17990 of 2024

WEB COPY

3. According to the claimant, the rash and negligent driving of the driver of the car bearing Registration Number TN-28-AZ-5555 belonging to the second respondent (in the instant appeal) was the cause of the accident and that since the said car was insured with the present appellant, the Reliance General Insurance Company Limited, the owner of the car (second respondent) and the insurer are jointly and severally liable to pay compensation to her.

4. In the Tribunal, the owner of the car remained absent and was set *ex parte*. The appellant, the Reliance General Insurance Company Limited contested the claim petition on all the grounds available to the insurer under Section 170 of the Motor Vehicles Act.

5. The Tribunal after analysing the evidence on record, fastened negligence on the part of the driver of the car and directed the appellant Insurance Company to pay compensation of Rs.18,16,324/- to the claimant together with interest at the rate of 7.5% per annum from the date of petition till the date of realization, vide its orders dated 27.01.2023.



C.M.A.No.2303 of 2024
and C.M.P.No.17990 of 2024

WEB COPY

6. Questioning the quantum of compensation awarded by the Tribunal, the appellant, the Reliance General Insurance Company Limited has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

7. Heard Ms.C.Bhuvanasundari, learned counsel for the appellant and Mr.S.P.Yuaraj, learned counsel for the first respondent.

8. Ms.C.Bhuvanasundari, learned counsel appearing for the appellant would contend that the claimant had sustained injuries on her right hand, left leg and left hip and the Tribunal had awarded an exorbitant amount of Rs.5,00,000/- towards pain and sufferings and Rs.25,000/- towards loss of amenities and therefore, the same should be scaled down.

9. *Per contra*, Mr.S.P.Yuaraj, learned counsel appearing for the first respondent contended that the Award passed by the Tribunal is based on the well laid down principles of law and therefore, the same need not be



C.M.A.No.2303 of 2024
and C.M.P.No.17990 of 2024

disturbed.

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10. The Medical Board had assessed partial permanent disability of the claimant as 61% and the disability certificate was marked as Ex.C1. The Tribunal was right in awarding Rs.5,000/- per percentage, since there is no functional disability. The claimant had sustained fracture on her left leg, right hand and left hip. However, the Tribunal had awarded a sum of Rs.5,00,000/- towards pain and sufferings and Rs.60,000/- towards loss of income. In the opinion of this Court, these amounts are on the higher side and therefore, it is scaled down to Rs.1,00,000/- towards pain and sufferings and Rs.30,000/- towards loss of income. The following tabular column would show the amount awarded by the Tribunal and the amount awarded by this Court under various heads.

<i>S.No</i>	<i>Heads</i>	<i>Amount awarded by Tribunal (Rs)</i>	<i>Amount awarded by this Court (Rs)</i>
1.	Pain and sufferings	5,00,000/-	1,00,000/-
2.	Extra nourishment	25,000/-	25,000/-
3.	Transportation charges	25,000/-	25,000/-
4.	Loss of income	60,000/-	30,000/-



C.M.A.No.2303 of 2024
and C.M.P.No.17990 of 2024

S.No	Heads	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)
5.	Loss of amenities	25,000/-	25,000/-
6.	Disability	3,05,000/-	3,05,000/-
7.	Attendant charges	25,000/-	25,000/-
8.	Medical expenses	8,51,324/-	8,51,324/-
TOTAL		Rs.18,16,324/-	Rs.13,86,324/-

11. Thus, the compensation awarded by the Tribunal is hereby scaled down to Rs.13,86,324/- from Rs.18,16,324/- and the said amount would carry interest at the rate of 7.5% per annum from the date of petition.

12. In the result,

- The Civil Miscellaneous Appeal is allowed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.
- The compensation awarded by the Tribunal is hereby scaled down to Rs.13,86,324/-.
- The appellant, the Reliance General Insurance Company Limited is directed to deposit the modified award amount i.e. Rs.13,86,324/-



C.M.A.No.2303 of 2024
and C.M.P.No.17990 of 2024

WEB COPY

(less the amount already deposited) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit within a period of four weeks from the date of receipt of a copy of this order to the credit of M.C.O.P.147 of 2020 on the file of the Motor Accidents Claims Tribunal, Subordinate Court, Rasipuram.

iv. On such deposit being made the claimant / first respondent is permitted to withdraw the same with accrued interest and costs, after following due process of law.

02.09.2024

Index : Yes/No
Speaking / Non-speaking order
mtl

To

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



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C.M.A.No.2303 of 2024
and C.M.P.No.17990 of 2024

R. HEMALATHA, J.

mtl

CMA.No.2303 of 2024
and C.M.P.No.17990 of 2024

02.09.2024