



C.M.A.No.2072 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on 10.01.2024	Pronounced on 31.01.2024
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CORAM

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

C.M.A.No.2072 of 2021

Sathishkumar, S/o.Sekar
No.420, A Block, 10th Street
New Kanniamman Nagar
Morai, Veerapuram
Chennai 600 055

... Appellant

Vs.

1.M/s.Madras Cargo Carriers
No.63/1, Kurinji Main Nagar
9th Street, Thondamuthoor Road
Vadavalli
Coimbatore 641 041

2.The New India Assurance Company Limited
No.161, Kilakku Vel Street
Madurai 1

... Respondents

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree dated 02.03.2020 and made in MACTOP.No.1214/2017 on the file of the Motor Accident Claims Tribunal (Special Sub Court No.II, Motor Accident Claims Petitions) Small Causes Court, Chennai.

For Appellant

: Ms.M.Malar



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For Respondents : Ms.G.Sukumari (for R2)

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J U D G M E N T

The Appeal has been filed against the Judgment and Decree dated 02.03.2020 and made in MACTOP.No.1214/2017 on the file of the Motor Accident Claims Tribunal (Special Sub Court No.II, Motor Accident Claims Petitions) Small Causes Court, Chennai.

2.The claim Petitioner is the Appellant herein. For the sake of convenience, the parties are referred to as per their ranking before the trial Court.

3.The claim Petitioner filed MACTOP.No.1214/2017 before the file of the Motor Accident Claims Tribunal (Special Sub Court No.II, Motor Accident Claims Petitions) Small Causes Court, Chennai, seeking compensation for the injuries sustained by him in a road traffic accident occurred on 07.02.2017. The Tribunal has awarded a sum of Rs.3,83,000/- with interest at the rate of 7.5%. Aggrieved against the same and seeking enhancement, he has preferred this Appeal.



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4.The factum of the accident, manner of the accident, rash and negligent driving on the part of the driver of the 1st Respondent's vehicle, insured with the 2nd Respondent are not under challenge in this Appeal. Accordingly, the finding rendered by the trial Court that the accident taken place due to the rash and negligent driving of the driver of the 1st Respondent's vehicle, insured with the 2nd Respondent are hereby confirmed.

5.During the trial, on the side of the claim Petitioner, PW1 was examined, Ex.P.1 to Ex.P.19 were marked and on the side of the Respondents, none was examined and no document was marked and Court Document Ex.C1 was marked.

6.Heard the learned counsel for the claim Petitioner and learned counsel for the Insurance Company on the point of quantum of compensation.

7.Learned counsel for the claim Petitioner would submit that the injured was hospitalised for 16 days and hence attender charges and compensation towards nutrition and extra nourishment has to be enhanced. He would further



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submit that the Tribunal has awarded a sum of Rs.3,000/- per percentage for the disability, which is very low.

8.Per contra, the learned counsel for the Insurance Company would submit that the compensation awarded by the Tribunal under various heads are just and reasonable and hence he made his submission in support of the award passed by the Tribunal.

9.The injured was examined as PW1 and Ex.P.2/Accident Register, Ex.P.3/discharge summary, Ex.P.4 to Ex.P.6/prescriptions, Ex.P.12/assessment made for future medical expenses, Ex.P.18/receipts for medical expenses were marked on his behalf. The disability certificate was marked as Court Document/Ex.C1, wherein the Medical Board had fixed the disability suffered by the claim Petitioner at 10% and the Tribunal has rightly taken the same and granted Rs.3,000/- per percentage for the accident taken place in the year 2017. Considering the nature of injuries as reflected in Ex.P.3/discharge summary a sum of Rs.25,000/- was correctly given by the Tribunal towards pain and sufferings. Transportation charges of Rs.15,000/- was also correctly given by



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the Tribunal. Since the injured claim Petitioner was in the hospital for 16 days as inpatient a sum of Rs. 10,000/- towards extra nourishment, a sum of Rs.25,000/- towards loss of amenities, a sum of Rs.20,000/- towards attender charges and a sum of Rs.2,41,452/- towards medical expenses were also correctly given by the Tribunal. Though a sum of Rs.15,000/- was awarded by the Tribunal towards loss of expectation of life, which is a duplicate head, in the absence of any Appeal by the Insurance Company, I am not inclined to interfere with the award passed by the Tribunal. Hence, the total award passed by the Tribunal viz., Rs.3,83,500/- appears to be just and fair.

10.In fine, the Civil Miscellaneous Appeal is dismissed. No costs.

31.01.2024

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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To
The Presiding Officer,
Motor Accident Claims Tribunal
(Special Sub Court No.II, Motor Accident Claims Petitions)
Small Causes Court, Chennai.



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RMT.TEEKAA RAMAN.J,

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Pre-delivery Judgment made in

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Dated: 31.01.2024