



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.1394 of 2024

Saravanan

..Appellant

.VS.

1.Trimurti Cargo Movers Private Ltd.,
4074, 4th Floor, Bima Complex, Plot No.119,
Steel Yard, Kalamboli, N.Mumbai, Raigarh District,
Maharashtra State – 410 218.

2.Reliance General Insurance Co., Ltd.,
101, 1st Floor, Sumer Plaza, Marol – Mroshi Roa,
Opp: Hotel tirupali Templantation, Andheri East,
Mumbai – 400 059.

3.OSL Logistics Private Ltd.,
122A, C.R.Avenue, Kolkatta – 700 073

4.The Oriental Insurance Co., Ltd.,
DO 6 Kolkatta, 2-F Everst House, 46-C,
Chowringhee Road, Kolkatta, West Bengal.

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the judgment and decree in MCOP No.50 of 2014 dated 23.08.2022 on the file of the Motor Accident Claims Tribunal / Subordinate Judge Court, Tiruchengode.



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For Appellants : Mr.T.S.Arthanarreswaran

For Respondents : Mr.P.Suresh Srinivasan for R2
Mr.S.Senthilkumar for R4

JUDGMENT

The claimant not being satisfied with the quantum of compensation awarded by the Tribunal in MCOP No.50 of 2014, dated 23.08.2022 has filed this appeal seeking for enhancement of compensation.

2.The case of the claimant is that on 12.07.2013, he was driving a lorry at Chithradurga District, Karnataka State and at about 7.30 a.m., two offending vehicle which are also lorries were driven in a rash and negligent manner and it dashed on the vehicle that was driven by the claimant, as a result of which, the claimant suffered fracture (1.Grade 3B Open Comminuted P/3rd Tibia fracture in Right leg, 2.Grade 3B Open Comminuted Both Bone P/3rd fracture in Right leg, 3.Comminuted PPX# Right 4th Toe and Multi Laceration in Right 4th Toe. The claimant underwent treatment as an inpatient from 12.07.2013 to 30.07.2013 for nearly eighteen days and he also underwent a surgery. The Medical Board assessed the disability of the claimant at 30%. It is under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation.



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3.The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the two offending vehicles. Having come to such a conclusion, the Tribunal fixed the total compensation at Rs.3,87,000/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of Income	84,000
2.	Permanent Disability	90,000
3.	Pain and sufferings	50,000
4.	Medical Expenses	1,22,499
5.	Extra Nourishment	15,000
6.	Attender Charges	15,000
7.	Transportation Charges	10,000
	Total	3,86,499
	Rounder Off	3,87,000

4.The above compensation was directed to be paid with interest at the rate of 7.5% per annum.

5.The claimant not being satisfied with the quantum of compensation awarded by the Tribunal has filed the present appeal before this Court seeking for



enhancement of compensation.

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6.Heard Mr.T.S.Arthanareeswaran, learned counsel appearing on behalf of the appellant, Mr.P.Suresh Srinivasan, learned counsel appearing on behalf of the 2nd respondent and Mr.S.Senthilkumar, learned counsel appearing on behalf of the 4th respondent.

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

8.In the considered view of this Court, this Court finds that the compensation fixed by the Tribunal is very reasonable and it does not require the interference of this Court. It was also brought to the notice of this Court that the entire compensation amount has been deposited with interest. Hence, Award passed by the Tribunal is confirmed and accordingly, this civil miscellaneous appeal stands dismissed. No Costs.

21.06.2024

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

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The Motor Accident Claims Tribunal / Subordinate Judge Court, Tiruchengode.



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N. ANAND VENKATESH., J

SSR

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