



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.1452 of 2024

Mr.Arokiyaraj

..Appellant

.VS.

1.Mr.Ramesh Kumar

2.HDFC ERGO General Insurance Co., Ltd.,
Old No.559, New No.528, 2nd Floor,
Anna Salai, Tenampet,
Chennai - 18

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the decree and judgment dated 28.01.2022 made in MCOP No.4761 of 2017 on the file of Motor Accident Claims Tribunal, (III Small Causes Court), Chennai.

For Appellant : Mr.K.Varadhakamaraj

For Respondents : Mr..Arunkumar for R2

JUDGMENT

The claimant not being satisfied with the quantum of compensation awarded by the Tribunal in MCOP No.4761 of 2017, dated 28.01.2022 has filed this appeal seeking for enhancement of compensation.



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2.The case of the claimant is that on 21.02.2016, he was riding a two wheeler towards Besant Nagar and at about 11.30 hours, 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 fracture on the right leg and also in the left shoulder and injuries all over the body. 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 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 offending vehicle. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.6,02,100/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Disability (30% x Rs.5000)	1,50,000
2.	Attender Charges	7,700
3.	Loss of Amenities	30,000
4.	Towards Pain and Sufferings	30,000
5.	Towards Extra Nourishment & Transportation	15,000
6.	Damages to clothes	1,000
7.	Loss of income for (5 x 10,000)	50,000
8.	Medical Bills	3,18,371
	Total	06,02,071
	Rounded off	06,02,100



4.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.

5.Heard Mr.K.Varadhakamaraj, learned counsel appearing on behalf of the appellant and Mr.S.Arunkumar, learned counsel appearing on behalf of the 2nd respondent.

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

7.The Tribunal has considered the fact that the claimant was a Photographer and he claimed that he was earning a sum of Rs.15,000/- per month. The Medical Board had assessed the disability at 30%. Considering the same, the Tribunal had adopted the per percentage method and fixed Rs.5,000/- per percentage. The Tribunal had also calculated the loss of income for five months by fixing the notional monthly income at Rs.10,000/-. The compensation fixed by the Tribunal is reasonable and it does not require the interference of this Court.



N. ANAND VENKATESH., J

ssr

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8. In the light of the above discussion, this civil miscellaneous appeal stands dismissed. No Costs.

27.06.2024

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

To

The Motor Accident Claims Tribunal, (III Small Causes Court), Chennai.

CMA No.1452 of 2024