



Civil Miscellaneous Appeal No.1838 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20/11/2024

C O R A M

THE HONOURABLE Mr.JUSTICE **M.DHANDAPANI**

Civil Miscellaneous Appeal No.1838 of 2020

Subramanian.M ... Appellant

Vs

1. Lakshmanaperumal
2. Royal Sundaram Alliance Insurance Co Ltd
113/114 Sri Thiagarayan Road
4th Floor, Meena Kampala Arcade
T. Nagar
Chennai 17. ... Respondents

PRAYER: Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and award of the Motor Accident Claims Tribunal (Sub-Court), Jayankondam in M.C.O.P.No.262 of 2017 (Ariyalur Principal District Court) in M.C.O.P.No.59 of 2015 dated 18/6/2020.

For appellant ... Mr.S.Kaithamalai Kumaran

For respondents ... No appearance
for R.1

Ms.C.Harini
for R.2



JUDGMENT

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This Civil Miscellaneous Appeal has been filed against the judgment and award of the Motor Accident Claims Tribunal (Sub-Court), Jayankondam in M.C.O.P.No.262 of 2017 (Ariyalur Principal District Court) in M.C.O.P.No.59 of 2015 dated 18/6/2020, for enhancement of compensation.

2. Brief facts which are necessary for disposal of this appeal are as follows:-

On 12/6/2013 at about 7.30 a.m., near Gandhi Park, Jayakondam, when the appellant was standing, Ashok Leyland goods vehicle bearing Registration No.TN-31-L-7444 belonging to the first respondent and insured with the second respondent driven by its driver in a rash and negligent manner came from South to North, dashed against the appellant. As a result, the appellant had sustained multiple injuries all over the body. Immediately he was admitted in the Government Hospital, Jayakondam, and then in ABC Hospital, Trichy from 12/6/2013 to 5/7/2013 as in patient and thereafter as outpatient.



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3. Before the Tribunal, the claimant has filed a claim petition, claiming a sum of Rs.20,00,000/- as compensation.

4. During trial, in order to prove his case, on the side of the appellant, P.Ws.1 to 4 were examined and marked Exs.P.1 to P.21 and on the side of the respondents, no witness was examined and no documents were marked.

5. After analysing the oral and documentary evidences, Tribunal has awarded a sum of Rs.6,28,380/- as compensation payable either by the Insurance Company or jointly with the first respondent.

6. Not being satisfied with the quantum of compensation awarded by the Tribunal, appellant has come forward with this appeal before this Court.

7. Heard Mr.S.Kaithamalai Kumaran, learned counsel for the appellant and Ms.C.Harini, learned counsel for the second respondent. There is no representation on behalf of the first respondent.



8. The learned counsel appearing for the appellant submitted that without considering the age, occupation and earning capacity, the Tribunal has awarded a lesser sum of Rs.6,28,380/-.

9. Per contra, the learned counsel appearing for the second respondent would submit that the first respondent was not having a valid driving license at the time of accident. This is a clear case of violation of the policy condition. Moreover, the accident had happened purely due to the sudden cross by the appellant and hence, the second respondent is not liable to pay any compensation to the appellant.

10. Perused the materials available on record.

11. Admittedly, the accident had happened in the year 2013. It is not disputed that the accident had occurred only due to the rash and negligent driving of the driver of the van. On a careful reading of the records, it is found that though the appellant has not sustained any functional disability, taking into consideration of the multiple injuries sustained by the appellant all over the body and also the treatment taken as inpatient, the amounts awarded by the Tribunal under the heads pain and suffering, Nutrition and



attender charges are on the lower side. Therefore, this Court feels that the same are to be increased, while maintaining the amounts awarded under the other heads as just and reasonable. The modified compensation is tabulated as under:-

Heads	Amount awarded by the Tribunal (in Rs.)	Amount awarded by this Court (in Rs.)
Loss of income for two months	18,000/-	18,000/-
Transportation charges	24,000/-	24,000/-
Medical bills	3,67,380/-	3,67,380/-
Pain and suffering	10,000/-	40,000/-
Mental agony	10,000/-	10,000/-
Nutrition and miscellaneous expenses	5,000/-	20,000/-
Damages to clothes	2,000/-	2,000/-
Attender charges	12,000/-	20,000/-
60% permanent disability	1,80,000/-	1,80,000/-
Total	6,28,380/-	6,81,380/-

12. Accordingly, this Civil Miscellaneous Appeal is allowed. However, there shall be no order as to costs. The second respondent is directed to deposit the award amount of Rs.6,81,380/- along with interest at

M.DHANDAPANI,J



mvs.

the rate of 7.5% p.a., from the date of claim petition till the date of deposit, less the amount, if any, already deposited, to the credit of the claim petition before the Tribunal, within a period of four weeks from the date of receipt of a copy of this order. On such deposit, the Tribunal is directed to transfer the same to the bank account of the appellant/claimant through RTGS within a period of two weeks thereafter.

20/11/2024

mvs.

Index : Yes / No

Neutral Citation: Yes/No

To

1. The Motor Accidents Claims Tribunal
(in IV Court of Small Causes),
Chennai.
2. Reliance General Insurance
Having their Registered Office
at Reliance Center, 19 Walchand Hirachand Marg
Ballard Estate
Mumbai 400 001.

C.M.A.No.1838 of 2020