



C.M.A.No.1808 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2024

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.1808 of 2021

and

C.M.P No.9761 of 2021

The Branch Manager
M/s.Reliance General Insurance Co. Ltd.,
No.2054, 2nd Avenue, Anna Nagar
Chennai-40.
at No.745, 1st Floor, Nehruji Road
Villupuram.

... Appellant

..Vs..

1.Jainullabudeen
2.Venkatachalapathy

...Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award and decree dated 31.01.2020 made in MCOP No.397 of 2016, on the file of the Motor Accident Claims Tribunal Special Sub Court No.2, Villupuram.

For Appellant

: Mr.S.Arun Kumar

For Respondents

: Mr.R.Govindaraj for R1

No Appearance for R2



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J U D G M E N T

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This appeal has been filed by the Insurance Company challenging the impugned award primarily on the ground that the quantum of compensation awarded by the Tribunal is excessive.

2. The Tribunal under the impugned award has directed the Appellant/Insurance Company to pay the 1st respondent/claimant, a compensation of Rs.20,03,518/- rounded off to Rs.20,04,000/- for the injuries sustained by the 1st respondent/claimant due to an accident caused by a vehicle insured with the appellant. The 1st respondent/claimant had sustained grievous injuries as a result of an accident caused by a vehicle insured with the appellant. On account of the injuries, the 1st respondent/claimant had under went 5 surgeries and was in the hospital for 55 days. The nature of the injuries as reflected in the impugned award passed by the Tribunal is not disputed by the appellant/Insurance Company. However, the Insurance Company would rely upon the disability certificate issued by the medical board (Ex.C1) and they would contend that since the disability is assessed as Nil, the Tribunal ought not to have awarded



compensation towards loss of future medical expenses. This Court after giving careful consideration to the impugned award, is of the considered view that the Tribunal has rightly assessed the compensation payable to the claimant for the following reasons:

a) The nature of the injuries sustained by the 1st respondent/claimant as discussed in the impugned award is grievous in nature and due to the same, the 1st respondent/claimant would have suffered lot of pain and suffering and is also having difficulty in passing urine and has no control in passing motion.

b) The 1st respondent/claimant was hospitalized for a period of 55 days for which medical expenses incurred by him for his treatment which is supported by medical bills amounts to Rs.17,14,018/-. The medical bills incurred by the 1st respondent/plaintiff is also not disputed by the appellant/Insurance Company before the Tribunal.



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c) Eventhough the disability certificate issued by the medical board discloses Nil disability, this Court considering the nature of the injuries sustained by the 1st respondent/claimant is of the considered view that there is no infirmity in the Tribunal awarding a sum of Rs.50,000/- towards future medical expenses. Any person sustaining such grievous injuries as stated supra, would have certainly incurred future medical expenses and a sum of Rs.50,000/- awarded by the Tribunal towards the same cannot be treated to be excessive.

3. The Tribunal has rightly assessed the total compensation payable to the 1st respondent/claimant at Rs.20,03,518/- rounded off to Rs.20,04,000/- and the compensation awarded by the Tribunal under various heads is a just compensation and does not call for any interference by this Court.



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4. For the foregoing reasons, there is no merit in this appeal.

Accordingly, this Civil Miscellaneous Appeal is dismissed. The Appellant/ Insurance Company is directed to deposit the Award amount together with interest at 7.5% per annum from the date of claim till the date of deposit and costs as assessed by the Tribunal after deducting the amount already deposited, if any, to the credit of MCOP.No.397 of 2016 within a period of four weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the Tribunal is directed to transfer the award amount along with accrued interest to the bank account of the 1st respondent/claimant through RTGS within a period of two weeks thereafter. Consequently, connected miscellaneous petition is closed. No costs.

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Index:Yes/No
Internet:Yes/No
Speaking/Non-speaking order
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ABDUL QUDDHOSE, J.

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To

1.The Motor Accident Claims Tribunal/
Special Sub Court No.2, Villupuram.

2.The Section Officer
V.R.Section, High Court of Madras.

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