



C.M.A.No.2487 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2024

C O R A M

THE HON'BLE MR. JUSTICE **KRISHNAN RAMASAMY**

C.M.A.No.2487 of 2022

and

C.M.P.No.19380 of 2022

The Manager
United India Insurance Company Ltd.,
6th Floor, Krishi Bhavan,
Nrupatunga Road, Hudson circle,
Bangalore, Karnataka

...Appellant

Vs

1.Chinnasamy
2.L.Kamal

... Respondents

Prayer:

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the decree and judgment dated 29.11.2021 made in MCOP.No.115 of 2018 on the file of the Motor Accident Claims Tribunal Special Subordinate Court, Dharmapuri.

For Appellant : Mr.C.Paranthaman

For Respondent : No appearance

**JUDGMENT**

This civil miscellaneous appeal has been filed challenging the quantum of compensation awarded by the Tribunal vide the decree and judgment dated 29.11.2021 made in MCOP.No.115 of 2018.

2. The learned counsel for the claimant would submit that on 15.11.2017 while the claimant was waiting in auto TN-29-BW-7185 in traffic at Krishnagiri to Dharmapuri NH Road, an Innova Car bearing Registration No.KA-03-MR-9699 came in a rash and negligent manner and dashed against the claimant, due to which he sustained severe injuries. Considering all the aspects, the Tribunal had awarded the compensation in the following manner:

<i>S.No</i>	<i>Heads</i>	<i>Compensation (Rs.)</i>
1	Just Compensation	6,24,000
2	Loss of Earnings	40,000
3	Mental Agony	50,000
4	Pain and Sufferings	40,000
5	Cost of Nourishment	25,000
6	Cost of the Attender	20,000
7	Transport Expenses	20,000
8	Medical Bills	6,36,783
9	Loss of Clothing on accident	1,000
	Total	14,56,783



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3. The main grievance of the appellant is with regard to the compensation awarded by the Tribunal towards the Medical Expenses. The learned counsel had referred to Ex.P9 and would contend that the medical bills were produced only for a sum of Rs.1,83,580/-. However, the Tribunal had awarded a sum of Rs.6,36,783/-, which is on higher side. Further, he would also submit that the compensation awarded by the Tribunal under the other heads are also on higher side. Hence, he requests this Court to re-determine the same.

4. In spite of service of notice, there is no representation on behalf of the respondents.

5. Heard the learned counsel for the appellant and the respondent and also perused the materials available on record.

6. In the present case, on perusal and examination of the Exhibits filed by the claimants, it appears that not only Ex.P9, but also Ex.P10, which is a medical bill for a sum of Rs.4,53,203/-, has been marked by the Tribunal.



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Hence, by adding Ex.P9 and Ex.P10, the Tribunal had rightly awarded the total amount of a sum of Rs.6,36,783/- as compensation towards medical bills. In such case, there is no need for any interference with regard to the same. Therefore, this Court is inclined to confirm the compensation awarded by the Tribunal towards the medical bills.

7. As far as the other heads are concerned, this Court is of the view that since the claimant had sustained severe head injuries, certainly he would have had severe “Pain and Sufferings” and “Mental Agony”. In such case, the compensation awarded by the Tribunal towards the said heads such as “Pain and Sufferings” and “Mental Agony” appears to be very reasonable. Further, since the accident occurred in the year 2017 and considering the age and avocation of the claimant, the notional income fixed by the Tribunal for a sum of Rs.8,600/- appears to be too low. Hence, this Court is inclined to fix a sum of Rs.14,000/- as notional income of the claimant.

8. At this juncture, the learned counsel appearing for the appellant would request this Court to confirm the award passed by the Tribunal.



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9. Considering the above submission and since no appeal has been filed by the claimant, this Court is inclined to confirm the compensation awarded by the Tribunal.

10. In the result, this Civil Miscellaneous Appeal is dismissed and the appellant is directed to deposit the award amount along with interest and costs, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this judgment, to the credit of MCOP.No.115 of 2018 on the file of the Motor Accident Claims Tribunal, Special Subordinate Court, Dharmapuri. Upon such deposit, the Tribunal is directed to transfer the award amount to bank account of the claimant, by way of RTGS, within a period of three weeks from the deposit or from the date of receipt of the Bank details obtained for the claimant or application for withdrawal from the claimant, whichever is earlier. No costs. Consequently, the connected miscellaneous petition is also closed.

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Index: Yes/No
Internet: Yes/No
Speaking order/Non-speaking order
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KRISHNAN RAMASAMY,J.

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