



C.M.A.No.231 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **02.02.2024**

CORAM

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

C.M.A.No.221 of 2023

and

C.M.P.No.1791 of 2023

Reliance General Insurance Company Ltd.,
Reliance House, 6th floor,
No.6, Haddows Road,
Nungambakkam,
Chennai- 600 034.

... Appellant

VS.

1. V.J.Sathish

(Declared as major as per Amendment Order
in M.P.No.81/2019)

2. M.Annamalai

...Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 22.04.2022 made in M.C.O.P.No.7605 of 2016 on the file of the Motor Accident Claims Tribunal (IV Court of Small Causes), Chennai.



C.M.A.No.231 of 2023

WEB COPY

For Appellant : Mr.P.Suresh Srinivasan

For Respondents : Mr.R.Subburaj (R1)

J U D G M E N T

This Appeal has been filed by the Insurance Company challenging the Award dated 22.04.2022 passed by the Motor Accident Claims Tribunal (IV Court of Small Causes), Chennai in M.C.O.P.No.7605 of 2016, directing the Appellant/Insurance Company to pay the Claimant a sum of Rs.9,23,679/- as compensation for the injuries sustained by him in an accident which occurred on 14.09.2016.

2. Before the Tribunal, the 1st Respondent/Claimant claimed a sum of Rs.10,00,000/- as compensation for the injuries sustained by him. In support of her claim, the Claimant marked Exs.P1 to P17 before the Tribunal and the Claimant-P.W.1 was examined as witness. On the side of the Appellant/Insurance Company, two witnesses were examined and 4 exhibits were marked.



C.M.A.No.231 of 2023

WEB COPY

3. On consideration of the oral and documentary evidence available on record, the Tribunal has awarded a sum of Rs.9,24,000/- as compensation to the Claimant. Details of the compensation awarded by the Tribunal under the impugned Award, are as follows :

<i>Heads</i>	<i>Amount awarded by the Tribunal (Rs.)</i>
Disability	7,62,048/-
Medical Expenses	1,27,262/-
Pain and Suffering	25,000/-
Transportation Expenses	10,000/-
Nutrition Expenses	20,000/-
Damages to Clothes	1,000/-
Attender charges	6,000/-
Loss of Amenities	15,000/-
Mental Agony	10,000/-
Future Medical Expenses	50,000/-
Less: 10% towards contributory negligence fixed on the claimant	1,02,631/-
Total	9,23,679

4. Heard the learned counsel for the parties and perused the material documents available on record.



C.M.A.No.231 of 2023

WEB COPY

5. The learned counsel for the appellant submitted that though challenge was made with respect to both negligence and quantum of compensation in this Appeal, he is not pressing the aspect of negligence. He further submitted that the disability assessed by the Medical Board, with respect to injuries sustained by the injured, is only 28%, for which the Tribunal ought not to have applied the multiplier method. He further submitted that the compensation awarded by the Tribunal is on the higher side, hence seeks reduction of the compensation.

6. Heard both sides. Perused the records.

7. A perusal of the award would go to show that the Tribunal, on considering the age of the claimant, nature of injuries sustained and the percentage of disability assessed, has rightly adopted the multiplier method while determining the compensation towards ***Disability***. The Tribunal on considering both and oral and documentary evidence has rightly awarded the compensation and therefore the same cannot be said to be excessive.



C.M.A.No.231 of 2023

WEB COPY

8. Hence, considering the nature of the injuries sustained by the Claimant, the quantum of compensation awarded by the Tribunal to the Respondent/Claimant under various heads, totalling to a sum of **Rs.9,23,679/-** (after deducting 10% contributory negligence on the part of the claimant), cannot be considered to be excessive, as alleged by the Appellant/ Insurance Company and therefore this Appeal is liable to be dismissed.

9. Accordingly, the Civil Miscellaneous Appeal stands dismissed. The Appellant/Insurance Company is directed to deposit the entire amount awarded by the Tribunal together with interest at 7.5% per annum from the date of the Claim Petition till the date of realization, less the amount, if any, already deposited to the credit of M.C.O.P. No.7605 of 2016 on the file of the Motor Accidents Claims Tribunal, (IV Court of Small Causes), Chennai within a period of **six 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 directly to the Bank account of the Respondent/Claimant



C.M.A.No.231 of 2023

WEB COPY

through RTGS, within a period of *three weeks* thereafter. No costs.

Consequently, connected miscellaneous petition is closed.

02.02.2024

Index : Yes / No
Speaking Order : Yes / No

arr



C.M.A.No.231 of 2023

WEB COPY

To:

1. The Motor accident Claims Tribunal,
(IV Court of Small Causes), Chennai.
2. The Section Officer,
V.R. Section,
High Court of Madras,
Chennai 600 104.



WEB COPY



C.M.A.No.231 of 2023

KRISHNAN RAMASAMY,J.

arr

C.M.A. No.231 of 2023

02.02.2024