



C.M.A.No.2494 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2024

CORAM :

The Hon'ble Mr. Justice Krishnan Ramasamy

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Rajan

... Appellant/Petitioner

Vs.

1. C.Kumaran

2. Reliance General Insurance Co.Ltd.,
Reliance House, No.6, 6th Floor,
Haddows Road, Nungambakkam,
Chennai 600 006.

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, 1988 against the Judgment and Decree made in M.C.O.P.No.6960 of 2016, dated 19.12.2022, on the file of the Motor Accidents Claims Tribunal, in the Special Sub Court No.1, Small Causes Court, Chennai.

For Appellant : Mr.N.S.Suganthan
for V.Tamilamudhu

For R1 : Dispensed with

For R2 : Mr.P.Suresh Srinivasan



JUDGEMENT

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This Civil Miscellaneous Appeal has been filed, challenging the quantum of compensation awarded by the Motor Accidents Claims Tribunal, Special Sub Court No.1, Small Causes Court, Chennai in M.C.O.P.No.6960 of 2016 dated 19.12.2022.

2. On 05.10.2016 at about 7.00 hours, when the claimant/injured was riding a two wheeler, bearing Reg.No.TN-18-AB-6000, he was hit by a car bearing Reg.No.TN-18-H-0100, which came from the opposite direction on the same road, and due to the said accident, the claimant sustained grievous injuries. Thereafter, the appellant has filed a claim petition before the Tribunal, claiming a compensation of Rs.6,00,000/-.

3. The learned counsel for the appellant submitted that, the appellant has suffered Head Injury, Traumatic amputation in 3rd, 4th and 5th Toe of Right foot and fracture, and was continuously in treatment for more than 3 months. Without considering the nature of injuries, the Tribunal awarded compensation of Rs.1,27,600/- under various heads, which is on the lower side, and the same is required to be re-considered by this Court. Accordingly, he prays for



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appropriate enhancement in favour of the appellant.

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4. The learned counsel for the second respondent/Insurance Company submitted the award passed by the Tribunal is just and fair and requires no interference.

5. Heard the learned counsel for the appellant and the learned counsel on behalf of the second respondent and perused the materials available on record.

6. On perusal of the Tribunal's award, it appears that the notional income of the injured taken at Rs.10,000/- per month is just and fair and, as far as, awarding of compensation under other heads viz., Pain and sufferings, transportation, medical expenses, extra nourishment, attender charges, loss of earnings and loss of amenities are concerned, the Tribunal has rightly awarded the compensation. Apart from that, the Tribunal has awarded a sum of Rs.50,000/- at the rate of Rs.5,000/- per percentage towards disability, which is also reasonable. Under these circumstances, this Court is not inclined to interfere with the award passed by the Tribunal. Hence the award passed by the Tribunal, stands confirmed.



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29.01.2024

Index : Yes / No
NCC : Yes / No
jd

To

1. The Motor Accident Claims Tribunal,
Special Sub Court No.1, Small Causes Court,
Chennai.
2. The Section Officer,
V.R. Section,
High Court, Madras.



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Krishnan Ramasamy,J.,

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