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C.M.A.No.478 of 2024

IN THE HIGH OF JUDICATURE AT MADRAS

DATED : 22.03.2024

Coram

The Hon'ble Mr.Justice Krishnan Ramasamy

C.M.A.No.478 of 2024

and

C.M.P.No.4929 of 2024

United India Insurance Co. Ltd.,
Branch Office at No.3,
Natesan Colony,
Opp. to Govt. Arts College, Salem – 7.

... Appellant

Vs.

K.Muthusamy (died)
1. K.Selvaraj
2. R.Neelaveni
3. M.K.Raju

...Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 02.11.2022 made in M.C.O.P.No.924 of 2020, on the file of the Motor Accident Claims Tribunal/Special District Judge, Salem.

For Appellant : Mr.D.Venkatachalam



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Respondent- 1 : Mr.H.Manojin

JUDGEMENT

Challenging the quantum of compensation awarded by the Tribunal, in and by its judgment and decree dated 02.11.2022 passed in M.C.O.P.No.924 of 2020, the present Appeal has been filed by the appellant, United India Insurance Co. Ltd.

2. Heard the learned counsel appearing for the appellant/Insurance Company and the learned counsel for the first respondent/claimant.

3. When the matter was taken up for hearing on an earlier occasion ie. 20.03.2024, at the threshold, the learned counsel appearing for the appellant/Insurance Company has submitted that there is no dispute with regard to the occurrence of the accident, fixation of negligence and fastening of liability'; that the dispute is only in regard to the quantum of compensation awarded by the Tribunal under the head, 'Medical Expenses'; that the Tribunal has awarded a compensation of Rs.6,88,636/- under the said head based on Ex.P.13, Medical Bills, which cannot be completely



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relied on, inasmuch as, upon investigation carried out by the Insurance Claims Investigator, by cross-checking all the Bills submitted by the claimant, at the concerned Hospitals, where, the deceased took treatment at the brink of life, it came to light that some of the entries made in certain Bills are duplicate entries made to suit the claim for compensation.

4. In response, the learned counsel for the first respondent/claimant submitted that they would reconcile the dispute by verifying the veracity of the medical bills adduced by the claimant and in case, on verification, if they happened to find that entries made in certain medical bills are duplicate, then, they would file a Calculation Memo disclosing the details, as to what would be the actual compensation the claimant would be entitled to and sought for adjournment citing the said reasons. Acceding to the such request, the matter was directed to be listed today.

5. Accordingly, the matter is listed today and when the same is taken up for hearing, both the learned counsel for the appellant and the



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learned counsel for the first respondent/claimant filed a Calculation of Award as well as list disclosing the details of the bill amount which is under dispute and sought for a reduction of Rs.1,38,368/- from and out of the compensation awarded by the Tribunal under the head, Medical Expenses (i.e from. Rs.6,88,636/- - Rs.1,38,368/-) which comes around Rs.5,50,268/-

6. Thus, taking into consideration of the said Calculation of Award, (which is also duly signed both the learned counsel) whereby and whereupon, both the learned counsel had agreed for reduction of the compensation awarded by the Tribunal under the head, 'Medical Expenses' from Rs.6,88,636/- to Rs.5,50,268/-, resulting in reduction of the total compensation awarded by the Tribunal under various heads, i.e. from Rs.9,48,636/- to Rs.8,10,268/- and recording the said Calculation of Award/Calculation Memo, this Court is inclined to allow the Civil Miscellaneous Appeal.

7. Accordingly, the Civil Miscellaneous Appeal filed by the appellant/Insurance Company is partly allowed on the following terms:-



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(i) Appellant, United India Insurance Co. Ltd., is directed to deposit the entire amount determined by this Court i.e. a sum of Rs.8,10,268/-along with interest at 7.5% p.a. from the date of claim petition till the date of deposit and costs before the Tribunal within a period of six weeks from the date of receipt of a copy of this judgment, after deducting the amount already deposited, if any.

(ii) On such deposit being made by the Insurance Company, the Tribunal shall transfer the amount to the first and third respondents equally in their respective bank accounts through RTGS within a period of three weeks thereon or from date on which, the RTGS particulars are furnished by them, whichever is earlier.

(iii) The first and third respondents are entitled to withdraw their respective share with proportionate interest accrued thereon by making



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necessary application before the Tribunal.

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iv) Connected Miscellaneous Petition is closed. No costs.

22.03.2024

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To

The Special District Judge,
Motor Accident Claims Tribunal, Sale.



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Krishnan Ramasamy,J.,
sd

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