



C.M.A.No.51 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2024

C O R A M

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

C.M.A.No.51 of 2024

United India Insurance Company Ltd.,
Cuddalore N.T.

...Appellant

Vs

1.Ranganathan
2.T.M.Lakshmipriya

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the award and decree dated 31.08.2009 made in OP.No.801 of 2006 on the file of the Motor Accidents Claims Tribunal (Chief Judicial Magistrate), Cuddalore.

For Appellant : Mr.D.Bhaskaran

JUDGMENT

This civil miscellaneous appeal has been filed by the Insurance Company challenging the quantum of compensation awarded by the Tribunal.



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2. The learned counsel for the appellant would submit that on 22.12.2005, when the petitioner was travelling in the Vallikandan Bus bearing Registration No.TN-32-B-4999 from Ulundurpet to Panruti, the driver of the said bus lost his control and dashed against a road side tree. Due to the said accident, the petitioner sustained grievous injuries. Considering all the aspects, the Tribunal had awarded compensation to the claimant in the following manner:

<i>S.No.</i>	<i>Heads</i>	<i>Compensation awarded by Tribunal (Rs.)</i>
1	Loss of Income	48,000
2	Pain and Sufferings	50,000
3	Nutritious Food	7,500
4	Transport Charges	7,500
5	Attender's Charges	7,500
6	Shock and Mental Agony	7,500
7	Loss of Amenities	7,500
8	Medical Expenses	1,250
9	Further Medical Expenses	15,000
10	Disability	50,000
	Total	2,01,750

3. By referring the above compensation awarded by the Tribunal, the learned counsel for the appellant would submit that the same is on higher side



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and hence, requests this Court to re-determine the said compensation.

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

5. In the present case, this Court is of the considered view that the Tribunal had rightly awarded the aforesaid compensation only after considering the oral and documentary evidences and hence, this Court does not find any fault in the same. In such view of the matter, this Court is inclined confirm the compensation awarded by the Tribunal.

6. Therefore, this civil miscellaneous appeal is dismissed. Accordingly, the appellant and 2nd respondent are jointly and severally directed to deposit the entire award amount along with interest at the rate of 7.5% and costs, less the amount already deposited, if any, within a period of 6 weeks from the date of receipt of a copy of this judgment, to the credit of MCOP.No.801 of 2006 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Cuddalore. Thereafter, the Tribunal is directed to immediately transfer the entire



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amount to the bank account of the injured by way of RTGS, in the same proportions determined by the Court below, within a period of 3 weeks from the deposit and 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.

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Index: Yes/No

Internet: Yes/No

Speaking order/Non-speaking order
nsa

To:

The Motor Accident Claims Tribunal,
Chief Judicial Magistrate, Cuddalore.



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KRISHNAN RAMASAMY,J.

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