



CMA No.4092 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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CORAM :

THE HONOURABLE **MR.JUSTICE RMT.TEEKAA RAMAN**

C.M.A.No.4092 of 2019
and C.M.P. No.23116 of 2019

Judgment reserved on 29.02.2024	Judgment pronounced on 26.03.2024
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United India Insurance Company Limited,
D.O-1, B.O Buildings,
IV Floor, State Bank Road,
Coimbatore - 641 018.

..

Appellant

Vs.

1.M.Bhuvana Devi
2.Mohan
3.K.Velusamy

.. Respondents

Prayer : This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the award and decree dated 27.07.2012 made in MCOP No.277 of 2010 on the file of the Motor Accidents Claims Tribunal, (Principal Subordinate Judge), Coimbatore.

For Appellant : Mr.S.Arunkumar

For R-1 & R-2 : No appearance

For R-3 : Notice dispensed with



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JUDGMENT

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The appellant/Insurance company has filed this present appeal challenging the award passed by the Tribunal dated 27.07.2012 made in MCOP No.277 of 2010 on the file of the Motor Accidents Claims Tribunal, (Principal Subordinate Judge), Coimbatore, on the ground of quantum.

2. The factum of accident, manner of accident, vehicle being insured with the appellant/Insurance company and the rash and negligent driving by the second respondent are not in dispute. Accordingly, the finding rendered by the Trial Court with regard to negligence are hereby confirmed.

3. On the point of quantum of compensation, heard the learned counsel for the appellant/insurance company as well as learned counsel appearing for the first respondent.

4. During the trial, the first respondent/claim petitioner examined herself as PW1 and marked Exs.P1 to P20. On behalf of the respondents, no one was examined and no exhibits were marked.



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5. In respect of the very same accident, another claim petitioner has also been filed in M.C.O.P.No.281 of 2010 and a common trial was commenced.

6. With respect to injury sustained by the claim petitioner, P.W.1 deposed that due to the accident she sustained injuries over her leg and multiple injuries all over the body. Immediately she was admitted at Ramakrishna Hospital, Coimbatore and discharged on 10.12.2007. Thereafter admitted at Ganga Hospital, Coimbatore and undergone treatment as in-patient from 10.12.2007 to 04.01.2008 and 06.02.2008 to 11.02.2008. Even after discharge from the hospital, she is unable to do her normal work and permanently disabled. To prove the same, the Wound Certificate issued by the Ganga Hospital is marked as Ex.P6, X-ray marked as Ex.P7 and the Discharge Summary issued by the Ramakrishna Hospital, Coimbatore marked as Ex.P9.

7. P.W.3, Dr.Gajendran deposed that he personally and clinically examined the petitioner (P.W.1) with her medical records and would say that she sustained multiple abrasion over the right side of her face, right forearm, proximal 3rd dorsal aspect, abrasion over proximal half of left leg, left foot,



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right medial malleolus, laceration injury over the pulp of right middle finger abrasion over right hand dorsal aspect, right scapular region and swelling over left elbow. For which, the petitioner undergone first aid treatment at Ramakrishna Hospital and then taken treatment at Ganga Hospital, Coimbatore. Further he would say that due to the weakness of the left arm, the petitioner will not be able to lift heavy object with her left hand and there may be difficulty in day to day activities and given opinion that the petitioner sustained partial permanent disability to the tune of 30%. The disability certificate is marked as Ex.P13 and the X-ray is marked as Ex.P14.

8. Hence, the Tribunal has fixed the disability at 30% and Rs.2000/- for 1% and accordingly, Rs.60,000/- was awarded and for medical expenses as per Ex.P8, the petitioner is entitled to a sum of Rs.1,15,478/- which has also been awarded. The compensation awarded by the Tribunal under other heads are also just and reasonable and hence the same are confirmed. Accordingly, this Court has no hesitation to hold that the compensation awarded by the Tribunal is just and fair and does not warrant any interference by this Court.



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9. In fine,

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(i) This Civil Miscellaneous Appeal is dismissed confirming the compensation awarded by the Tribunal dated 27.02.2012 in MCOP No.277 of 2010.

(ii) The appellant/United India Insurance Company Limited is directed to deposit the award amount before the Tribunal, within a period of eight weeks from the date of receipt of a copy of this order, less the amount, if any already deposited.

(iii) On such deposit being made, the first respondent/claim petitioner is permitted to withdraw the award amount, less the amount, if any, already withdrawn, by filing necessary application before the Tribunal.

(iv) No costs. Consequently, connected Miscellaneous Petition is closed.

26.03.2024

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Index : Yes/No

Neutral Citation: Yes/No

Speaking Order: Yes/No



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To
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1. The Principal Subordinate Judge,
Motor Accident Claims Tribunal,
Coimbatore.
2. The Section Officer,
V.R.Section, High Court,
Madras.



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RMT.TEEKAA RAMAN.J,

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