



C.M.A(MD)No.41 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.02.2024**

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.41 of 2022

M/s.United India Insurance Company Limited,
No.37/2, Maddappa Street,
Neel Complex 2nd Floor,
Tenkasi-627 811.

... Appellant

Vs.

1.J.Shanmuganathan
2.S.Abuthahir
3.K.Shajahan

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, against the judgment and decree passed in M.C.O.P.No.373 of 2015, dated 07.09.2021, on the file of the Motor Accident Claims Tribunal cum Principal Subordinate Judge, Tenkasi.

For Appellant : Mr.C.Jawahar Ravindran

For Respondents : No appearance

JUDGEMENT

The Civil Miscellaneous Appeal is filed by the Insurance Company.



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2. It is a case of injury and partial permanent disability (PPD) to the extent of 20%. The Insurance Company is challenging the quantum. Even though it is a case of partial permanent disability that to 20%, but the Tribunal has taken multiplier method while calculating the compensation. It is a settled proposition that for any partial permanent disability and injury, multiplier method is not applicable.

3.This Court is of the considered opinion that instead of calculating under multiplier method, if Rs.1,67,840/- is reduced from the overall amount, it would meet the ends of justice and it will be a just and fair compensation. If the said amount is reduced, the claimant is entitled to compensation of Rs.5,00,000/-. Therefore, the appellant is directed to deposit a sum of Rs.5,00,000/-, with 7.5% interest and costs within a period of three weeks from the date of receipt of copy of this judgment, less the amount, if any already deposited. On such deposit, the claimant is permitted to withdraw the amount without filling any application to withdraw.



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4. With the above said observation, the Civil Miscellaneous Appeal is partly allowed. No costs.

05.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Tmg

To

1. Motor Accident Claims Tribunal
cum Principal Subordinate Judge,
Tenkasi.
2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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