



C.M.A.(MD)No.1614 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

C.M.A.(MD)No.1614 of 2024

and C.M.P.(MD) No.17087 of 2024

The Branch Manager,
The New India Assurance Co. Ltd.,
Branch II, Juman Center,
No.43A/2, Promenade Road, Cantonment,
Trichy – 1

... Appellant

vs.

1. P. Saroja
2. C. Santhoshkumar
3. Mukila
4. The Regional Manager,
M/s.Shriram General Insurance Co. Ltd.,
E-8, EPIP, RIICO, Industrial Area,
Sitapura, Jaipur,
Rajasthan – 302 022
5. The Divisional Manager,
M/s.Shriram General Insurance Co. Ltd.,
No.C-135-A, Meenakshi Towers,
1st Street, 5th Cross Street, Thillai Nagar,
Trichy.

... Respondents



C.M.A.(MD)No.1614 of 2024

WEB COPY

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1973, to set aside the award dated 13.07.2023 on the file of the Motor Accidents Claims Tribunal / Special Subordinate Court, Trichy in M.C.O.P.No.28 of 2020.

For appellant : Mr.R.Ramadurai

For Respondents : Mr.D.Sivaraman for R4 and R5

J U D G M E N T

This Civil Miscellaneous Appeal has been preferred by the Insurance Company against the order dated 13.07.2023 made in M.C.O.P.No.28 of 2020 by the Special Subordinate Court, Trichy for a change.

2. The claimant herein has filed a claim petition under Sections 140 and 160 of the Motor Vehicles Act, claiming compensation of Rs.20,00,000/- for injuries sustained by her in a road accident that occurred on 12.11.2018.

3. Heard the arguments of Mr.R.Ramadurai, learned counsel for the appellant and Mr.D.Sivaraman, learned counsel for the respondent No.4 and

5. Perused the relevant records.



C.M.A.(MD)No.1614 of 2024

WEB COPY

4. Upon consideration, the Tribunal granted compensation of Rs.6,93,787/- under various components which are tabulated hereunder:

Sl. No .	Description	Amount awarded by the Tribunal
1.	For partial permanent disability (30% X 5000)	Rs.1,50,000/-
2.	For medical expenses	Rs.3,61,787/-
3.	For loss of income during the treatment period	Rs.60,000/-
4.	For loss of amenities and future medical expenses (Rs.20,000 each)	Rs.40,000/-
5.	For attender charges, transportation charges and extra nourishment (Rs.10,000/- each)	Rs.30,000/-
6.	For pain and sufferings	Rs.50,000/-
7.	For damages to the clothes and other valuables	Rs.2,000/-
Total		Rs.6,93,787/-

5. It is the evidence of the claimant (P.W.4) that, on 12.11.2018 at about 1.00 p.m., when she along with other claimants in other M.C.O.P's were travelling as passengers in the first respondent's car bearing registration no. TN-45-BH-7078, and while the car was proceeding along Devipattinam to Ramanathapuram Road near S.M.Kavin Vulcanizing Shop at Kopperi madam, a lorry bearing Registration No.TN-41-U-2236, which



C.M.A.(MD)No.1614 of 2024

was parked in the middle of the road in a negligent manner without any warning signal, the driver of the car hit against the parked lorry and caused the accident. Due to the said impact, she suffered fractures on both bone leg, right distal radius fracture and treatment was taken at Government Hospital, Ramanathapuram. Later for further management, she was admitted at Siddarth Ortho Care Hospital, Ramanathapuram and thereafter, took treatment at Trichy Appollo Hospital.

6. It is her further evidence that due to the said fracture and injuries, she is not in a position to stand, walk, climb stairs, etc. Her disability is assessed at 30%. She has stated that she was running a petty stall, earning a sum of Rs.10,000/- per month. In consideration of the abovesaid details, the Trial Court has awarded compensation as mentioned supra.

7. In the given circumstances, I do not find any good reason to disturb the finding of the Tribunal and the compensation granted under various heads appears to be reasonable and acceptable.

8. In the result, this Civil Miscellaneous Appeal stands dismissed and the Judgment and Decree dated 13.07.2023 passed in M.C.O.P.No.28 of 2020 on the file of the Motor Accident Claims Tribunal / Special Subordinate



C.M.A.(MD)No.1614 of 2024

Court, Trichy is confirmed. There is no order as to costs. Consequently, connected Civil Miscellaneous Petition stands closed.

28.11.2024

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

mac

To

1. The Special Sub Court, Trichy
2. The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.M.A.(MD)No.1614 of 2024

R.KALAIMATHI,J

mac

C.M.A.(MD)No.1614 of 2024
and C.M.P.(MD) No.17087 of 2024

28.11.2025