



C.M.A(MD)No.405 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.405 of 2022

and

C.M.P.(MD)No.3587 of 2022

M/s.Shree Ram General Insurance
Company Limited,
E-8, EPIP, RIICO Industrial Area Seethappura,
Jaipur-302 022,
Policy No.10003/31/14/115949.

... Appellant

Vs.

1.Ravichandran
2.Kannappan
3.Mohammed Moideen

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, against the judgment and decree in M.C.O.P.No.5956 of 2013, dated 26.02.2020, on the file of Motor Accident Claims Tribunal, Special Sub Court, Tiruchirappalli.

For Appellant	: Mr.D.Sivaraman
For R1	: Mr.V.Nirmal Kumar
For R2 and 3	: No appearance



C.M.A(MD)No.405 of 2022

JUDGEMENT

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The Civil Miscellaneous Appeal is filed by the Insurance Company.

2. It is a case of injury. The contention of the Insurance Company is that for pain and suffering the Tribunal has granted Rs.75,000/- which is on a higher side. Moreover, for loss of amenities, the Tribunal has fixed Rs.50,000/- and the same is on a higher side. Further submitted that on other heads also the Tribunal had fixed higher compensation.

3. As far as pain and suffering and loss of amenities are concerned, this Court is agreeing the plea of the appellant. As far as the other heads are concerned, this Court is declining the plea of the appellant. Therefore, for pain and suffering the amount is reduced from Rs.75,000/- to Rs.50,000/- and for loss of amenities the amount is reduced from Rs.50,000/- to Rs.25,000/-. As far as other heads the amount granted by the Tribunal is confirmed. Hence, the total compensation amount is reduced to Rs.5,63,100/-.

4. The appellant is directed to deposit Rs.5,63,100/- towards compensation with interest @ 7.5% per annum and costs, less the sum already deposited, if any,



C.M.A(MD)No.405 of 2022

within a period of two weeks from the date of receipt of a copy of this judgment.

On such deposit, the 1st respondent / claimant is permitted to withdraw the amount with accrued interests and costs, less the amount already withdrawn by him, if any, without filing any application before the Tribunal.

5. At the time of admission, this Court has passed an interim order directing the appellant to deposit the entire Tribunal award amount. Since this Court has reduced the compensation amount, the Insurance Company shall withdraw the excess amount, if any.

6. With the above said modification, the Civil Miscellaneous Appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

08.02.2024

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

Note: Issue order copy on **12.02.2024.**



C.M.A(MD)No.405 of 2022

To

- 1.Motor Accident Claims Tribunal,
Special Sub Court, Tiruchirappalli.
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.M.A(MD)No.405 of 2022

S.SRIMATHY, J.

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C.M.A(MD)No.405 of 2022

08.02.2024