



C.M.A.(MD).No.660 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2024

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THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.M.A.(MD).No.660 of 2021
and C.M.P.(MD).No.6260 of 2021

M/s.Reliance General Insurance Company Limited,
Rep. by its Branch Manager,
First Floor, Meenakshi Plaza,
80 Feet Road, Anna Nagar,
Madurai District.

... Appellant/Respondent No.2

Vs.

1.Indirani

... Respondent No.1/Petitioner

2.Sriram Nallamani

... Respondent No.2/Respondent No.1

PRAYER : Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, to set aside the judgment and decree dated 23.03.2020 passed in M.C.O.P.No.1240 of 2015 on the file of the Special Subordinate Judge (Motor Accidents Claims Tribunal), Madurai.

For Appellant : Mr.V.Sakthivel

For Respondents : Mr.P.T.Rameshraj for R1
R2 – No Appearance



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JUDGMENT

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This appeal has been filed to set aside the judgment and decree dated 23.03.2020 passed in M.C.O.P.No.1240 of 2015 on the file of the Special Subordinate Judge (Motor Accidents Claims Tribunal).

2.The facts in brief:

On 29.08.2014, at about 3.30 p.m., the petitioner was travelling in a bus bearing registration No.TN 59 AF 1359 and when the petitioner was deboarding the bus at about 3.30 p.m. without noticing the same, the driver of the first respondent vehicle started the vehicle. As a result of which, the petitioner fell down suffered injuries. He was taken to Shozhavandhan Government Hospital and later to Government Rajaji Hospital, Madurai. He suffered injuries on the right side of the head, forehead, right side cheek and on various parts of the body. A case was registered in Crime No.250 of 2014 against the first respondent's vehicle's driver.

3.He was aged about 35 at the time of occurrence and earning not less than Rs.500/- per day. Because of the accidental injuries, he was



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unable to do the construction work as before. Claiming compensation amount of Rs.10,00,000/-, claim application was filed.

4.That was resisted by the Insurance Company stating that because of the rash and negligent act on the part of the petitioner himself, he fell down and invited the accident. Apart from that other customary denials were made.

5.The Tribunal on the first aspect of negligent recorded a finding that because of the rash and negligent driving on the part of the first respondent's vehicle driver the accident took place and fixed the liability upon the appellant to pay the compensation amount on behalf of him along with Insurer.

6.Regarding the compensation, he was referred to Medical Board. The Medical Board assessed the disability at 55%. Considering the nature of the injury, it adopted the multiplier method and fixed the compensation for the injuries as Rs.8,87,000/-. To that other customary amounts were added and finally it awarded Rs.9,42,000/- as



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compensation. Against which, this appeal is preferred by the Insurance Company.

7.The learned counsel for the appellant at the time of argument has submitted that only 55% of partial permanent disability was fixed by the Medical Board. But, the Tribunal has taken multiplier method for awarding the compensation. She was aged about only 32. The accident took place in 2014. There was no documentary evidence to correlate the disability with that of the injuries. So the disability assessed by the Medical Board is not proper and compensation awarded on multiplier method is also not proper.

8.Per contra, the learned counsel for the respondent submitted that the claimant suffered neurological problem. She is not in position to work as before and her mental capacity is totally affected. She is not able to undertake her natural daily activities also. So on that ground, the claimant was directed to appear before this Court in person. In pursuance of the direction, claimant was produced before this Court by her husband. On seeing the physical and mental condition of the petitioner,



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this Court was satisfied that because of the accidental injuries, the claimant suffered total disablement. She is unable to walk on her own and even unable to understand the happenings around her. So on seeing the physical and mental condition of the claimant, this Court is fully satisfied that the multiplier method adopted by the Tribunal is proper and correlation between the accidental injuries and disability suffered.

9.Because of the total disablement, she is unable to work and earning money as before. So that was taken into account by the Tribunal, while assessing the compensation towards loss of income and other compensation under various heads. So I find absolutely no reason to interfere with the award passed by the Tribunal. The appeal fails.

10.Accordingly, this civil miscellaneous Appeal stands dismissed. No costs. The award passed by the Tribunal is hereby confirmed. The appellant shall deposit the entire award amount before the Tribunal, as directed by the Tribunal, within a period of two months from the date of receipt of a copy of this order (if not already deposited). The claimant is entitled to withdraw the above said award amount after following the due



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process of law, less any amount already received by him. Consequently,
connected miscellaneous petition is closed.

02.08.2024

Index : Yes / No
Internet : Yes / No
TM

To

- 1.The Special Subordinate Judge, Motor Accident Claims Tribunal /
Special Subordinate Court to deal with Motor Accident Cases of
Madurai.
- 2.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

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