



C.M.A.(MD)No.810 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2024

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

C.M.A.(MD)No.810 of 2021

Sundaran

... Appellant

Vs.

1. Palaniyappan

2. The Branch Manager,
Sriram General Insurance Company Ltd.,
No.66, Second Floor,
City Central Complex, Thirumalaipillai Road,
T.Nagar, Chennai – 600 017.

... Respondents

Prayer: Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicles Act, 1988 against the award dated 25.01.2021 made in M.C.O.P.No.361 of 2013 on the file of the Motor Accident Claims Tribunal cum Additional District Court, Pudukkottai and enhance the compensation awarded by the Tribunal from Rs.5,05,500/- to Rs. 10,00,000/- to the appellant by the respondent.

For Appellant : Ms.A.Banumathy

For Respondents : Mr.P.Ganapathi Subramanian for R-1
: Mr.N.Shylappa Kalyan for R-2



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J U D G M E N T

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This instant Civil Miscellaneous Appeal has been filed seeking enhancement of compensation.

2. The appellant filed a claim petition before the Tribunal stating that on 14.01.2013, while he was travelling in his two-wheeler, the Tata ACE vehicle belonging to the second respondent, came in a rash and negligent manner and dashed against the two-wheeler, as a result of which, he sustained grievous injury.

3. The first respondent filed a counter denying the averments and stated that, in any case, the compensation claimed by the claimant was excessive.

4. The second respondent/Insurance Company filed a counter stating that they are not liable to pay compensation, as there was no valid Insurance policy for the offending vehicle involved in the accident.

5. The appellant examined P.W.1 and P.W.2 and marked Ex.P.1 to Ex.P.11 and the second respondent examined R.W.1 and R.W.2 and



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marked Ex.R.1 to Ex.R.6

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6. The Tribunal, after taking into consideration the oral and documentary evidence, held that the accident took place only due to the negligence of the offending vehicle, which is owned by the first respondent and that since there was no valid insurance policy, the second respondent is not liable to pay the compensation.

7. The learned Counsel for the appellant submitted that the compensation award passed by the Tribunal is meagre and that the Tribunal ought to have applied multiplier method to award compensation and ought to have awarded higher compensation under the other conventional heads.

8. The learned Counsel for the first respondent submitted that the compensation awarded by the Tribunal is just and reasonable and no interference is called for.

9. The learned Counsel for the second respondent submitted that in the absence of valid Insurance Policy, the Tribunal was right in exonerating the second respondent and submitted that no interference is



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called for, in the findings of the Tribunal.

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10. The point for consideration in the instant appeal is as follows:

*Whether the compensation award of the Tribunal
is just and reasonable?*

11. On perusal of the award of the Tribunal, it is seen that the offending vehicle owned by the first respondent herein, did not have a valid Insurance Policy and there is no dispute with regard to the said findings. The only question is whether the compensation awarded by the Tribunal is in accordance with law. Though the appellant claims that he has suffered functional disability, neither the wound certificate Ex.P.6 nor the disability certificate Ex.P.9., suggest that the appellant has suffered functional disability. Further, admittedly, the appellant was running a business and he is not doing any physical labour. In such circumstances, the award of the Tribunal, granting compensation on percentage basis, cannot be faulted. The award under the other heads is also reasonable. Therefore, the award of the Tribunal is confirmed.

12. The first respondent is directed to deposit the award amount with accrued interest, within a period of six weeks from the date of receipt



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of a copy of this order. On such deposit, the appellant shall be permitted to withdraw the same, by filing an appropriate application.

13. Accordingly, this Civil Miscellaneous Appeal stands dismissed.

29.08.2024

Index: Yes/ No
NCC: Yes / No
Speaking Order / Non-Speaking Order

jbr

To:

The Motor Accident Claims Tribunal Cum Additional District Judge,
Pudukkottai.



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SUNDER MOHAN, J.

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