



C.M.A(MD)No.605 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2024

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THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A.(MD)No.605 of 2023

and

C.M.P.(MD)No.744 of 2024

Branch Manager,
National Insurance Company Limited,
D.No.706, Tenkasi Road, Vijaya Complex,
Rajapalayam, Virudhunagar District.

... Appellant

Vs.

Muneeswaran

... Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, against the judgment dated 4th January, 2023 passed in M.C.O.P.No.196 of 2019, on the file of the by the Motor Accident Claims Tribunal/Chief Judicial Magistrate of Srivilliputhur.

For Appellant : Mr.V.Sakthivel
For Respondent : Mr.M.Jothibasu

JUDGMENT

This Civil Miscellaneous Appeal is preferred by the Insurance Company.

2.It is a case of injury. The contention of the Insurance Company is that the



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Tribunal has granted relief under the personal accident scheme. But the Tribunal has erroneously taken the medical bills in entirety and granted the compensation for any injury that too under personal accident claim medical bill cannot be taken into consideration. Therefore, this Court is inclined to interfere with the order. However, the injured is entitled to compensation under other heads.

3. For 45% of disability under exhibit C1, if Rs.5000/- is granted for each percentage, $45 * \text{Rs.}5,000/-$ would come to Rs.2,25,000/-. Hence, this Court is granting Rs.2,25,000/- under the head of disability and Rs.31,794/- under the head of pain and suffering. Therefore, the total compensation of Rs.2,56,794/- is granted by this Court. The Tribunal has also granted Rs.2,56,794/- as total compensation but under the head of medical bills. Therefore, this Court is confirming the total compensation amount granted by the Tribunal but this Court is granting the same under other heads and not under the medical bill.

4. The appellant is directed to deposit Rs.2,56,794/- with interest at the rate of 7.5% per annum and costs to the credit of M.C.O.P., on the file of claims Tribunal, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this judgment. On such deposit, the claimant



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is permitted to withdraw the same with proportionate accrued interests and costs, less the amount already withdrawn by him, if any, by filing appropriate application before the Tribunal.

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

27.02.2024

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

Tmg

To

- 1.Motor Accident Claims Tribunal /
Chief Judicial Magistrate,
Srivilliputhur.
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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