



C.M.A.(MD).No.86 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.M.A(MD)No.86 of 2018

and

C.M.P(MD) No.1265 of 2018

The Royal Sundaram Alliance
Insurance Company Limited,
Sorrento Building No.6,
1st Floor, Lattice Bridge Road,
Adyar,
Chennai – 600 020.

Represented by its Manager

... Appellant/2nd Respondent

-vs-

1. Murugavelan

... 1st Respondent/Claimant

2. V.Nelamani

... 2nd Respondent/1st Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicle Act, 1988, against the fair and decreetal order dated 23.04.2016 made in M.C.O.P.No.752 of 2013 on the file of the Motor Vehicle Accident Claims Tribunal, Special Sub Court, Thanjavur.

For Appellant : Mr.M.Jerin Mathew

For R-1 : Mr.N.Sudhagar Nagaraj

For R-2 : No appearance



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J U D G M E N T

The present Civil Miscellaneous Appeal has been filed by the appellant/second respondent challenging the award passed in M.C.O.P.No. 752 of 2013, on the file of the Motor Vehicle Accident Claims Tribunal, Special Sub Court, Thanjavur, primarily on the ground of quantum.

2. The injured claimant had filed the above claim petition on the ground that, while he was riding his two wheeler on 10.06.2013 along with his son as a pillion rider, a car coming from the opposite direction was driven in a rash and negligent manner and dashed against the two wheeler. Due to the said impact, he has sustained grievous injuries. The claimant had contended that he was earning a sum of Rs.11,785/- per month by working as a Plant Operator in a Spinning Mill.

3. The Insurance Company had filed a detailed counter disputing the liability, negligence and quantum.

4. The Tribunal, after considering the evidence on either side, has arrived at a finding that the accident has taken place only due to the rash and



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negligent driving on the part of the driver of the car. The Tribunal has further found that the claimant had sustained 55% disability and for every percentage of disability a sum of Rs.3,000/- has been awarded and therefore, a sum of Rs.1,65,000/- has been awarded towards partial permanent disability and totally, a sum of Rs.2,52,152/- has been awarded. Challenging the quantum of the said award, the present appeal has been filed.

5. According to the learned counsel appearing for the appellant, the disability as fixed by the Tribunal is not correct and the award amount under the heads of pain and suffering, extra nourishment and loss of income is on the higher side and hence, he prayed for allowing this appeal.

6. Per contra, the learned counsel appearing for the first respondent/ claimant had contended that the Tribunal has awarded a reasonable compensation and therefore, the quantum of compensation may not be disturbed.

7. I have carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.



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8. A perusal of the records would reveal that the claimant had sustained 55% of disability and for every percentage of disability a sum of Rs.3,000/- has been awarded. The award amount under the other heads are reasonable in nature and therefore, this Court does not find that the total amount of Rs.5,84,447/- is in any way on the higher side and there are no merits in this appeal.

9 Accordingly, this Civil Miscellaneous Appeal stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

13.06.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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1. The Motor Vehicle Accident Claims Tribunal,
Special Sub Court,
Thanjavur.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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