



C.M.A(MD)No.1275 of 2014

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.1275 of 2014

Hebian Lenin

... Appellant

Vs.

1.Chella Mani

2.Branch Manager,
National Insurance Company Limited,
24, Kamarajar Bazaar,
Bodinaickanur, Theni District.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, against the judgment and decree dated 28.06.2011 in MCOP.No.277 of 2007 on the file of the MACT cum Fast Track Court / Additional District Judge, Periyakulam, Theni District.

For Appellant : M/s.S.Murugan
For R1 : No appearance
For R2 : M/s.P.Malini

JUDGMENT

The Claimant had filed the present Civil Miscellaneous Appeal for enhancement.



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2. It is a case of injury. The brief facts are that the accident occurred on 31.01.2007 and the injured had a fracture and two grievous injuries. He was admitted in the hospital for 3 days but the Tribunal has granted only Rs.26,000/-. The contention of the claimant is that he had filed the certificate issued by the Doctor indicating the injury which is marked as Exhibit A3. In spite of the same, the Tribunal has held that the claimant had not filed any medical evidence to assess the injury and disability and for this reason had declined to grant sufficient fair and just compensation. Hence, the present Civil Miscellaneous Appeal is filed.

3. On perusing the injury certificate, it is seen that the petitioner had grievous injury and he was admitted in the hospital for more than three days. Therefore, this Court is of the considered opinion that Rs.26,000/- is not just and fair fixation. Hence, this Court is enhancing the compensation granted by the Tribunal from Rs.26,000/- to Rs.50,000/-.

4. The 1st respondent is directed to deposit Rs.50,000/- (Rupees Fifty Thousand only) 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



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any, within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit, the claimant is permitted to withdraw the same with accrued interests and costs, less the amount already withdrawn by him, if any, by filing appropriate application before the Tribunal. Since this Court is enhancing the compensation, the claimant is liable to pay the balance Court fee, if any.

5. With the above said enhancement, the Civil Miscellaneous Appeal is allowed. No costs.

06.06.2024

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

Tmg

To

1. MACT cum Fast Track Court /
Additional District Judge,
Periyakulam, Theni District.
2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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