



C.M.A(MD)No.505 of 2018

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.08.2024**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.M.A(MD)No.505 of 2018

and

C.M.P(MD)No.5962 of 2018

The Branch Manager,
Reliance General Insurance Company Limited,
No.33, Bethesda Complex,
WCC Road, Nagercoil. ... Appellant/2nd Respondent

Vs.

1.Gopi ... 1st Respondent/1st Petitioner
2.Bharath ... 2nd Respondent/2nd Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgment and decree, dated 28.12.2017 passed in M.C.O.P.No.1516 of 2016 on the file of the Motor Accident Claims Tribunal, II Additional District and Sessions Judge, Tirunelveli and allow the present Civil Miscellaneous Appeal.

For Appellant : Mr.K.Gokul

For R-1 : Mr.P.Samuel Gunasingh

R-2 : Dismissed for default



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4. According to the learned Counsel appearing for the appellant, the Tribunal has erroneously proceeded to award compensation under the head of medical expenses as well as future medical expenses without any documents having been filed on the side of the claimant. Hence, he had prayed for allowing the appeal.

5. A perusal of the award indicates that Exhibit P.6 disability certificate has assessed the disability at 46.7%. However, the Tribunal has assessed the disability only at 30%. The Tribunal has calculated only a sum of Rs.2,000/- per percentage of disability for an accident that has taken place in the year 2016. The Tribunal has fixed the medical expenses and future expenses based upon the Exhibit P.2 discharge summary and Exhibit P.5 CT scan report. Therefore, this Court does not find any reason to interfere in the quantum of the award. There are no merits in the appeal and the appeal stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

01.08.2024



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

To

- 1.The Motor Accident Claims Tribunal,
II Additional District and Sessions Judge,
Tirunelveli.
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J.

BTR

Judgment made in
C.M.A(MD)No.505 of 2018

01.08.2024