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CMA No. 245 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 245 of 2023

AND

CMP NO. 1840 OF 2023

1. United India Insurance Co.Ltd
104-A, Peramanur Main Road,
Peramanur, Salem.

Appellant(s)

Vs

1. M. Settu
S/o.Murugesan, No.5-5/115-44/27H-40,
Vinayagar Koil Street, M.G.R.Colony,
Tharamangalam, Salem- 636 502.

2.Sethulakshmananan
S/o.Varathappa Gounder, Sri
Dhandayuthapani Bus Service, 301,
K.R.C.Compound, Gugai, Salem- 636
006.

Respondent(s)



CMA No. 245 of 2023

PRAYER

To set aside the decree and judgement passed in MCOP.NO.9 of 2018 dated 29.08.2019 on the file of the Learned the Motor Accident Claims Tribunal (Special Subordinate Judge No.II) Salem pending disposal of the above CMA.

CMA No. 245 of 2023

For Appellant(s): J.Chandran

For Respondent(s): R1-no Appearance R2 - Exparte

JUDGEMENT

This Civil Miscellaneous petition has been filed to set aside the decree and judgement passed in MCOP.NO.9 of 2018 dated 29.08.2019 on the file of the Learned the Motor Accident Claims Tribunal (Special Subordinate Judge No.II) Salem.

2. On 24.08.2017 at about 12.00 noon when the claimant driven the two wheeler bearing registration number TN 28 R 9776 in Salem-Elampillai main road near the Biyapuram bus stand the bus bearing registration number TN54 E 7759 driven by the first respondent in rash and negligent manner dashed the claimant, due to to which, the claimant sustained injuries. Hence, the claimant filed the petition before the tribunal claiming compensation of Rs.10,00,000/-.



After considering the oral and documentary evidence the tribunal awarded the compensation of Rs.8,73,642/-. Challenging the quantum of compensation, the

Insurance company filed this appeal.

3. The learned counsel for the appellant submits that the claimant hospitalised only for ten days but the tribunal has erroneously fixed Rs.1,00,000/- for pain and sufferings as well as loss of amenities. Further, the future medical expenses was awarded without any medical proof. Hence, he prays to reduce the quantum of the compensation.

4. Considering the facts of the case, the claimant suffered 35% partial disability and the accident was happened in the year 2017. Hence, this Court is inclined to enhance the amount fixed for disability per percentage to Rs.5,000/- from Rs.3,000/- ($5,000 \times 35 = 1,75,000/-$).

5. In respect of pain and sufferings, the award passed by the tribunal is exorbitant. Hence, this Court reduced the award passed by the tribunal under the head of pain and sufferings to Rs.50,000/- and loss of amenities also reduced to Rs.50,000/-. In respect of future medical expenses tribunal awarded Rs.2,00,000/- without any medical proof. Hence, the award passed by the



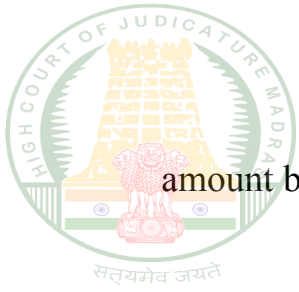
tribunal under the head of future medical expenses is ordered to be deleted.

Except above modification, award passed by the tribunal in other heads remain unchanged.

6. In view of the discussions made earlier, the award passed by the Tribunal is modified as follows:-

S.NO.	Head	Compensation awarded by the tribunal	Compensation awarded by this Court
1.	Permanent disability	Rs.1,05,000/-	Rs.1,75,000/-
2.	Pain and sufferings	Rs.1,00,000/-	Rs.50,000/-
3.	Loss of amenities	Rs.1,00,000/-	Rs.50,000/-
4.	Medical expenses	Rs.2,82,642/-	Rs.2,82,642/-
5.	Loss of income	Rs.45,000/-	Rs.45,000/-
6.	Future medical expenses	Rs.2,00,000/-	Nil
7.	Transportation charges	Rs.15,000/-	Rs.15,000/-
8.	Extra Nourishment	Rs.20,000/-	Rs.20,000/-
9.	Attender charges	Rs.5,000/-	Rs.5,0000
10.	Loss of clothes	Rs.1,000/-	Rs.1,000
11.	Total	Rs.8,73,642/-	Rs.6,43,642/-

7. Therefore, the total compensation payable to the claimant is Rs.6,43,642/-. The appellant/insurance company is directed to deposit the above said amount to the credit of MCOP.NO.9 of 2018 dated 29.08.2019 on the file of the the Motor Accident Claims Tribunal (Special Subordinate Judge No.II) Salem. On Such deposit, the claimant is permitted to withdraw the award



amount by making formal application before the Tribunal.

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8. With the above directions, the Civil Miscellaneous Appeal is partly allowed. No costs. Pending petition(s), if any, is/are closed.

05-06-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Motor Accident Claims Tribunal (Special Subordinate Judge No.II)
Salem

2. The United India Insurance Co.Ltd
104-A, Peramanur Main Road, Peramanur, Salem.

3. The Section Officer,
V.R. Section,
High Court,
Madras.



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T.V.THAMILSELVI J.
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