



C.M.A.No.3531 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

C.M.A.No.3531 of 2024

Mohammed Hidayathullah

... Appellant/Petitioner

Vs.

1. Moorthi

2. The Manager,

The National Insurance Company Ltd.,

3rd Party Climax Office, 66, Crims Road,

1st Floor, Chennai – 600 006.

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the decree and judgment dated 20.03.2024 made in MCOP.No.130 of 2019 on the file of Motor Accident Claims Tribunal (In the VI Special Judge Court of Small Causes, Chennai).

For Appellant : Mr.U.Chithambaram

JUDGMENT

The above appeal is filed by the appellant/claimant seeking to set



C.M.A.No.3531 of 2024

WEB COPY

aside the Judgment and Decree dated 20.03.2024 passed in MCOP.No.130 of 2019 by the Motor Accident Claims Tribunal and Thirupattu (Special Sub Judge, Special Court, Thirupattur).

2. It is the case of the appellant that, on 26.12.2018 at about 3.00 pm, when the appellant was riding a two wheeler bearing Regn.No.TN 04 AQ 5708, at that time a lorry bearing Regn.No.TN 04 AE 7857 belonging to the first respondent driven by its driver came in a rash and negligent manner and dashed the vehicle in which the appellant was riding, due to which, the appellant / claimant sustained grievous injuries. Therefore, the appellant had filed a claim petition claiming a sum of Rs.50,00,000/- for the injuries sustained by him in the said accident.

3. Before the Tribunal, the appellant had examined P.W.1 and marked Exhibits P.1 to Ex.P.18. On the side of the respondents, they have neither examined any witness nor marked any document. After adjudication, the Tribunal awarded a sum of Rs.23,89,443/- as compensation to the appellant. Not satisfied with the same, the appellant has preferred the present appeal seeking enhancement.



C.M.A.No.3531 of 2024

WEB COPY

4. The learned counsel appearing for the appellant / claimant submitted that, due to the rash and negligent driving of the driver of the first respondent's lorry, the appellant sustained grievous injuries all over his body. He further submits that though the deceased was working as a Marine Chief Engineer, the Tribunal, without considering the oral and documentary evidence has fixed the notional income of the deceased as Rs.15,000/- which is very meagre. The other heads awarded by the Tribunal are also on the lower side and the same requires interference.

5. Heard the learned counsel appearing for the appellant and perused the materials available on record.

6. The factum and manner of the accident is not disputed by the parties. Therefore, this Court is not entering into the said aspect. On a perusal of the disability certificate issued by the Medical Board, it reveals that the medical board has assessed the disability of the deceased at 62% and it is clear from the disability certificate that the deceased does not show any signs of cognitive dysfunction. Moreso, the disability



C.M.A.No.3531 of 2024

WEB COPY

sustained by the claimant is not functional in nature, and the same would not hamper the claimant from doing his day to day work. Despite the same, the Tribunal has adopted multiplier method instead of percentage method. However, since, giving under one head and reducing under the other head would result in the amount to be awarded to be the same and no useful purpose would be served in modifying the compensation under the heads, while the compensation amount would remain the same, which would be nothing but an exercise in futility, therefore, this Court is not embarking upon the said modification, but suffice to confirm the compensation awarded by the Tribunal.

7. For the reasons aforesaid, this Appeal stands dismissed, confirming the award passed by the tribunal in MCOP.No.130 of 2019 dated 20.03.2024 and the second respondent is directed to deposit the compensation of **Rs.23,89,443/-** awarded by the tribunal to the credit of MCOP.No.130 of 2019 along with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit and costs as awarded by the Tribunal, less the amount, if any, already deposited,



C.M.A.No.3531 of 2024

within a period of six weeks (6) from the date of receipt of a copy of this judgment, if not already deposited. On such deposit being made, the Tribunal is directed to transfer the said amount to the appellant directly to his bank account through RTGS within a period of two (2) weeks thereafter. There shall be no order as to costs in this appeal.

09.01.2025

Index : Yes / No
Speaking order / Non-speaking order
Netrual Citation Case : Yes / No
rap



WEB COPY



C.M.A.No.3531 of 2024

M.DHANDAPANI, J.

rap

To

- 1.Motor Accident Claims Tribunal (In the VI Special Judge Court of Small Causes, Chennai).
- 2.The Section Officer, V.R.Section, High Court, Madras.

C.M.A.No.3531 of 2024

09.01.2025