

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

C.M.A.NO.229 of 2015

and

M.P.No.1 of 2015

National Insurance Co. Ltd.,
Branch Office II, Dr.Nanjappa Road,
2nd Floor, Coimbatore. Appellant/2nd Respondent.

Vs.

1.Yesayan
2.Sampath Giri Respondents/Petitioner/1st
Respondent.

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act against the judgment and decree dated 15.03.2010 in M.C.O.P.No.51 of 2007 on the file of the Motor Accidents Claims Tribunal (Addl. District Judge, Fast Track Court -IV, Coimbatore) at Tirupur.

For Appellants : Mr.K.Suryanarayanan
For Respondents: Mr.P.P.Shanmugasundaram for R1

JUDGMENT

The appeal has been preferred by the Insurance Company against the award of Rs.51,300/- for the injury sustained by the 1st respondent in the accident, which occurred on 03.04.2006.

2. On enquiry, the Tribunal found that the insured vehicle was driven rash and negligently and awarded a sum of Rs.51,300/- as compensation for the fracture sustained in the right cheek and other grievous injuries.

3. Mr.K.Suryanarayanan, learned counsel appearing for the appellant would submit that the driver of the vehicle has possessed only the learner's driving license and at the time of the accident, he has not been having the regular learners license and therefore, pay and recovery should have been ordered.

4. The learned counsel appearing for the 1st respondent/claimant would support the award of the Tribunal.

5. The Tribunal took into consideration the injuries sustained by the 1st respondent/claimant, rightly awarded a sum of Rs.30,000/- towards disability. Including other amounts, the Tribunal rightly awarded a sum of Rs.51,300/- as compensation. The award of the Tribunal cannot be disturbed and hence, the appeal fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

6. The appellant/Insurance Company is directed to deposit the entire award amount along with interest and costs, after adjusting the amount if any already deposited, within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, the 1st respondent/claimant is permitted to withdraw the entire amount along with accrued interest, after adjusting the amount if any already withdrawn, within one week thereafter.

vsm

-s/d-

Assistant Registrar(CS-II)

Dt:9/3/2015

True Copy

Sub-Assistant Registrar

To

The Motor Accidents Claims Tribunal
(Addl. District Judge, Fast Track Court -IV, Coimbatore),
Tirupur.

+ 1 cc to Mr.K.Surya Narayanan, Advocate SR 6169

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