

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2015

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

C.M.A.No.2328 of 2008

The Branch Manager,
United India Insurance Co. Ltd.,
Branch Office,
No.89/1, IInd Floor,
11th Cross, Malleswaram,
Bangalore 560 003.

... Appellant/2nd Respondent

Vs.

1. Venda
2. Minor Suresh
3. Chandra
4. Ganesan
5. Krishnaveni

... Respondents/Petitioner 1 to 4
and 1st Respondent

(5th respondent ex parte before lower Court.
Hence, notice may be dispensed with)

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the judgment and decree in M.C.O.P.No.734 of 2003, dated 31.08.2007, on the file of the Motor Accidents Claims Tribunal, Principal District Judge, Dharmapuri at Krishnagiri.

For Appellant : Mr.N.Vijayaraghavan

For 1st Respondent : Mr.V.Kumaravelan

J U D G M E N T

This appeal has been preferred by the United India Insurance Company, Bangalore, against the award of Rs.4,28,000/-, to the respondents/claimants, for the death of one Mr.G.Prakash, aged 25 years, alleged to have worked as Manager in M/s.Sri Ranipet Chemicals, Ranipet and earned about Rs.7,500/- per month, in an accident, which occurred on 16.07.2002.

2. Heard Mr.N.Vijayaraghavan, learned counsel appearing for the appellant and Mr.V.Kumaravelan, learned counsel appearing for the respondents/claimants.

3. Based on the evidence of PW.2, eye-witness and filing of an FIR, against the driver of the tempo van, bearing Registration No.KA 02 2218, insured with the appellant-Insurance Company, the Tribunal, in the absence of any rebuttal evidence, adduced by the appellant-Insurance Company, rightly found that the accident had occurred, because of rash and negligence of the driver of the insured vehicle. Therefore, the said finding cannot be interfered with.

4. Since no argument has been advanced, with regard to the quantum of compensation, the said issue is not gone into. Therefore, the award of Rs.4,28,000/-, in favour of the respondents/claimants, is confirmed.

5. It is reported that 50% of the award amount, had already been deposited. Therefore, the appellant-Insurance Company is directed to pay the balance amount, along with interests and costs, within a period of four (4) weeks, from the date of receipt of a copy of this order and on such deposit, the respondents/claimants are permitted to withdraw their respective shares, within a period of one (1) week, thereafter.

6. In the result, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

skm

To

1. The Principal District Judge,
Motor Accidents Claims Tribunal,
Dharmapuri at Krishnagiri.
2. The Section Officer, VR Section, High Court, Madras.

+ 1 cc to Mr.V. Kumaravelan, Advocate SR.34457

+ 1 cc to Mr.M. Gopalan, Advocate Sr.34973

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NM(CO)

Eu 28.09.15