

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

C.M.A.No.2846 of 2009

and

M.P.No.1 of 2009

The Branch Manager,
The National Insurance Co. Ltd.,
Coimbatore.

... Appellant/Respondent-III

vs.

1. Thiru.L.Kaleeswaran

..... Respondent-I/Petitioner

2. Thiru.V.Girish Babu

..... Respondent-II/Respondent-I

3. Thiru.P.S.Saravankumar

..... Respondent-III/Respondent-II

(Respondents NO.2 & 3 remained exparte before the Lower Court)

Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the award and decree dated 20.10.2008 passed in M.C.O.P.No.6 of 2006 on the file of the Motor Accidents Claims Tribunal (FTC-V Additional District Judge), Tirupur at Coimbatore District.

For Appellant : Mr.J.Chandran

For Respondents : Ma.P.Thangavel

J U D G M E N T

The National Insurance Co. Ltd. filed the appeal challenging the award dated 20.10.2008 passed in M.C.O.P.No.6 of 2006 on the file of the Motor Accidents Claims Tribunal (FTC-V Additional District Judge), Tirupur at Coimbatore District.

2. It is a case of injury. On 11.12.2003 at about 16.00 hours, when the claimant was travelling in a Mini bus bearing No.TN 38 X 5279 as a passenger, the first respondent

drove it rashly and negligently and hit against an electric post near Appanayakkam, causing injuries to the claimant. Hence, the claimant has filed a Claim Petition claiming compensation of Rs.5.00 lakhs. According to the claimant, he was working as cutting master in Sriram Apparels, Tirupur and was earning a sum of Rs.5,000/- per month.

3. On the side of the claimant, the claimant was examined as P.W.1 and Dr.Senthil Kumar, who examined the claimant was examined as P.W.2. Exs.A1 to A7 were marked. On the side of the respondents, no witness was examined but Ex.B1, the statement given by the claimant before the police, was marked.

4. The Tribunal, based on the oral and documentary evidence, taking note of the disability at 30%, adopting multiplier 15, fixed the pecuniary loss at Rs.2,16,000/-. The Tribunal also awarded a sum of Rs.10,000/- towards pain and suffering; Rs.2,000/- towards extra nourishment and Rs.1,000/- towards transport expenses. In all, the Tribunal awarded a sum of Rs.2,29,000/- as compensation with interest at 7.5% per annum.

5. The finding of negligence on the part of the driver of the mini bus, who is responsible for the accident and consequential liability fixed on the appellant to compensate the claimant is not disputed by the learned counsel for the appellant in this appeal and the same is confirmed.

6. On the face of the award, there appears to be no infirmity in the quantum of compensation granted by the Tribunal and the interest also is not excessive as the accident happened in the year 2003 and the Tribunal awarded meagre sum towards pain and suffering and transport expenses and no amount has been awarded towards attender charges.

7. Finding no merit, this Civil Miscellaneous Appeal is dismissed. It is stated that the appellant had deposited the entire compensation amount. The claimant is permitted to withdraw the amount lying in deposit along with accrued interests and costs, if any. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CSII)

dt:15/10/2015

True Copy

Sub-Assistant Registrar

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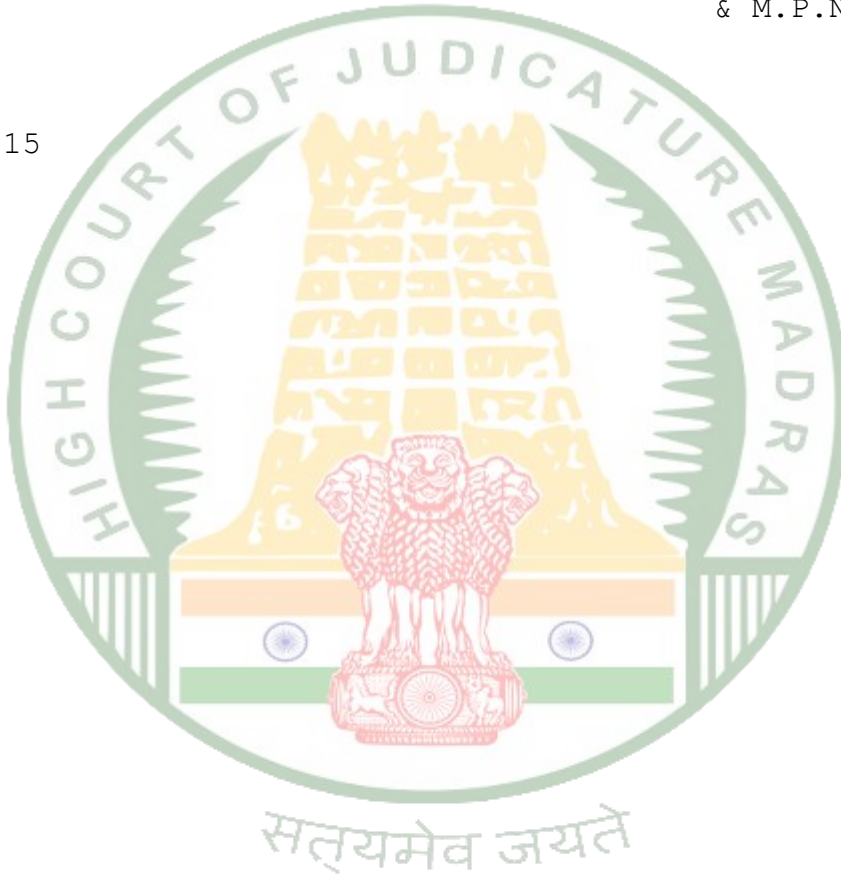
1.The Additional District Judge,
Fast Track Court No.V,
(Motor Accidents Claims Tribunal),
Tiruppur at Coimbatore

+1 cc to Mr.Ma.P.Thangavel Advocate sr.44986

+1 cc to Mr.J.Chandran Advocate sr.45612

C.M.A.No.2846 of 2009
& M.P.No.1 of 2009

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