

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2015

CORAM :

THE HONOURABLE MS. JUSTICE K.B.K.VASUKI

C.M.A. No. 3168 of 2004

and

C.M.P. No.17544 of 2004

1. Syed Malik
2. National Insurance Co. Ltd.,
rep. by its Branch Manager
Krishnagiri. Appellants/Respondent.

vs.

Raja Respondent/Petitioner

PRAYER : Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the Decree and Judgment dated 24.09.2001 made in M.A.C.T.O.P No.809 of 2000 on the file of the Motor Accidents Claims Tribunal (II Additional District Judge cum Chief Judicial Magistrate), Krishnagiri.

For appellants : Mr. N.B. Surekha
For respondent : No Appearance

JUDGMENT

The respondents 1 and 2 before the Tribunal, who are the owner and the insurer of the vehicle involved in the accident, are the appellants herein.

2. The present appeal is filed against the award of compensation of Rs.1,50,000/-, to the injured/ claimant. The Tribunal having regard to the nature of the injuries sustained by the respondent/ claimant, which is as per Ex.P-2 Wound Certificate collar bone fracture resulting in loss of mobility of left shoulder and having regard to the disability of 25% assessed by PW-2 Doctor and having regard to occupation of the claimant as Agriculturist and his monthly income as claimed in the Claim Petition and the impact of his disability affecting his earning capacity as Agriculturist and the medical expenses incurred by the claimant and the other aspects, awarded a compensation of Rs.1,50,000/-.

3. Though such quantum as fixed by the Tribunal is seriously opposed by the Insurance Company, the same, in my considered view is just, fair and reasonable and warrants no interference.

4. In the result, the Civil Miscellaneous Appeal stands dismissed. The Insurance Company is directed to deposit the entire compensation amount, with interest and cost, within four weeks from the date of receipt of a copy of this judgment. On such deposit, the respondent/claimant is permitted to withdraw the entire award amount, with the accrued interest, by filing cheque petition. Consequently, the connected C.M.P is closed. No costs.

avr

s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

1. The II Additional District Judge cum
Chief Judicial Magistrate,
The Motor Accident Claims Tribunal
Krishnagiri.
2. The Section Officer,
V.R.Section, High Court,
Madras

+ 1 cc to M/s.N.B.Surekha, Advocate SR 40053

nm(co)
prk27/10

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