

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2016

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

C.M.A.No.1163 of 2016

and

C.M.P.No.8774 of 2016

The Divisional Manager,
National Insurance Co.Ltd.,
Pondicherry.

.. Appellant

-vs-

1.Janagiraman

2.Madhivanan Govindaraj

.. Respondents

Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award dated 23.09.2011 made in MACTOP No.616 of 2007 on the file of the Motor Accidents Claims Tribunal at Pondicherry (II Additional District Judge).

For Appellant :: Mr.S.Vadivel

JUDGMENT

This Civil Miscellaneous Appeal has been filed against the award dated 23.09.2011 made in MACTOP No.616 of 2007 on the file of the Motor Accidents Claims Tribunal, Pondicherry (II Additional District Judge).

2.The facts arising out of this Civil Miscellaneous Appeal are as follows:

On 04.03.2007 at about 12.00 hours, the claimant Janagiraman/ the first respondent herein, was riding his bicycle on the extreme right side of Vazhudavur Road, Ramanapuram Road, Pondicherry, from East to West direction. At that time, a motorcycle bearing Registration No.PY-01-AH-2742, belonging to the second respondent, came in a rash and negligent manner without making any horn, in the same direction and dashed against the bicycle which the claimant was riding. Due to the said impact, the claimant was thrown out and he sustained grievous injuries in the head and injuries all over the body, which resulted in his permanent disablement. The claimant was admitted in the JIPMER Hospital, Pondicherry for treatment.

Subsequently, on advice, he got treatment in various private hospitals, both as in-patient and out-patient and till date he is under treatment.

3.The claimant claimed a sum of Rs.7,00,000/- as compensation before the Tribunal, against which the Tribunal has awarded a sum of Rs.1,35,000/- to the claimant, and ordered that the said sum with interest at the rate of 7.5% per annum from the date of petition shall be paid by the appellant Insurance Company, as the insurer of the vehicle belonging to the second respondent herein, and the same shall be recovered by the Insurance Company from the second respondent herein.

4.Challenging the order passed by the Tribunal, the appellant-Insurance Company has come up with this appeal stating that at the relevant point of time, the driver of the vehicle did not possess the driving license.

5.This appeal has been posted today for admission. When this appeal was taken up, the learned counsel for the appellant Insurance Company has fairly submitted that the order passed by the Tribunal has to be proceeded with, for recovery of the amount from the second respondent, in the manner known to law, and hence the same does not require any interference.

6.In view of the above submission made by the learned counsel for the appellant, and the facts and circumstances of the case, this Court deems it appropriate to confirm the award dated 23.09.2011 made in MACTOP No.616 of 2007 on the file of the Motor Accidents Claims Tribunal at Pondicherry (II Additional District Judge).

7.Accordingly, the award dated 23.09.2011 made in MACTOP No.616 of 2007 on the file of the Motor Accidents Claims Tribunal at Pondicherry (II Additional District Judge), is confirmed and the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

KM

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

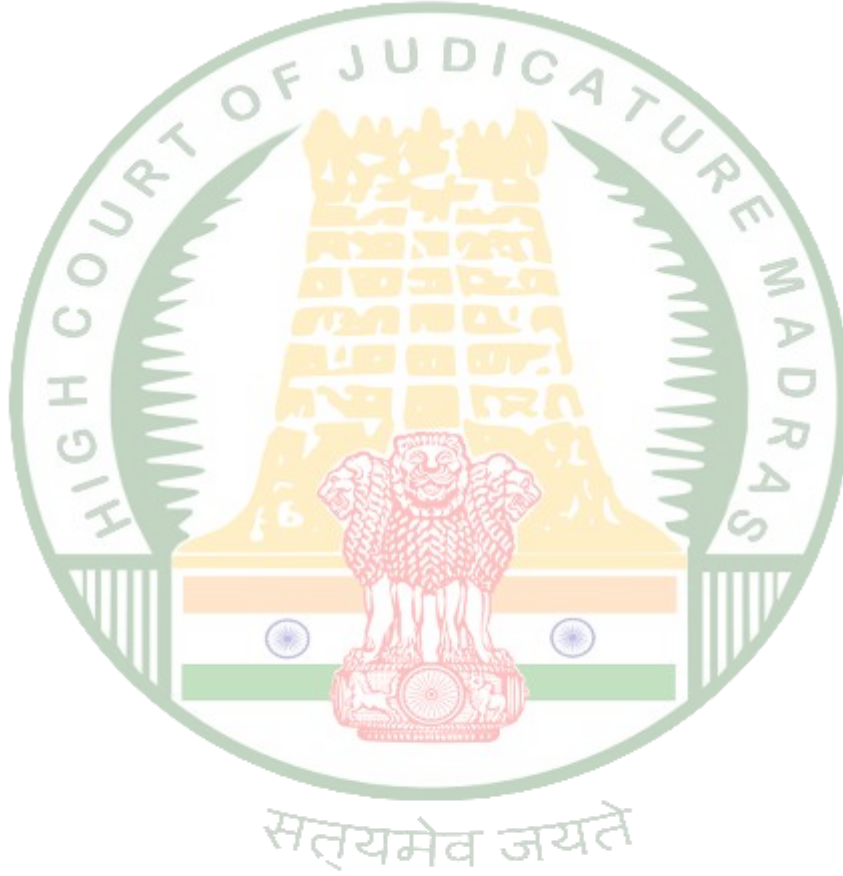
To

The II Additional District Judge,
Motor Accidents Claims Tribunal,
Pondicherry.

+ 1 cc to M/s.S.Vadivel, Advocate SR 30874

ppa(co)
prk24/6

C.M.A.No.1163 of 2016
and
C.M.P.No.8774 of 2016



WEB COPY