

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:- 25.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

C.M.A.No.70 of 2016
and
CMP No.693 of 2016

The Branch Manager,
Reliance General Insurance Company Ltd.,
NTG Complex, B-1, No.14,
Ramasamy Street, West Tambaram,
Chennai.Appellant

Versus

1.K.P.Shyni
2.Prabhu
3.Rajaram
4.The Authorised Signatory,
Cholamandalam MS General,
Dare House, 2nd Floor,
NSC Bose Road, Chennai.Respondents

Prayer: Civil Miscellaneous Appeal filed under section 173 of the Motor Vehicles Act against the award and decree dated 03.06.2015 made in M.C.O.P.No.618 of 2009 on the file of the Motor Accidents Claims Tribunal, III Additional District Judge, Puducherry.

For Appellant :: Mr.S.Arunkumar

सत्यमेव जयते
J U D G M E N T

This civil miscellaneous appeal has been taken up for disposal at the stage of admission itself.

2.This civil miscellaneous appeal has been directed against the impugned award passed by the learned Motor Accident Claims Tribunal cum III Additional District Judge, Puducherry in MCOP No.618 of 2009 dated 03.06.2015 awarding only Rs.14,000/- as against the claim of Rs.20,00,000/- made by the injured one of the occupants of the car, K.B.Shyni on the ground that the

driver of the Toyota Qualis car bearing Registration No.TN-22-P-0743 was not responsible for the accident in any manner, however the learned Tribunal instead of dismissing the claim petition has wrongly awarded a sum of Rs.14,000/- with interest at 7.5% p.a. from 13.08.2009 till payment.

2.Mr.S.Arunkumar, learned counsel for the Insurance Company would submit that as against the same accident, a civil miscellaneous appeal has already been filed and the same is also pending before the Hon'ble Division Bench in CMA No.2026 of 2015. Therefore, no prejudice would be caused to anyone if the matter is directed to be tagged along with the pending matter. But this court does not find any merits on his submissions for the two reasons, firstly, the amount awarded by the Tribunal is only Rs.14,000/- for the injuries sustained by K.P.Shyni who travelled along with her husband on 04.06.2009 at about 06.15 a.m. from Puducherry to Chennai through ECR road in TATA Indica Car bearing Registration No.PY-01-AP-5787, driven by its driver Rajaram. The offending vehicle bearing Registration No. TN-22-P-0743 belonging to the first respondent driven by one Jothiraja, son of Kannan in a rash and negligent manner, as a result, the accident occurred and secondly, the claimant is said to have suffered grievous injuries with deep laceration over the upper lid and forehead, bone exposed and multiple injuries all over the body. Consequently, she was taken to PIMS hospital, Pondicherry on 04.06.2009 and underwent treatment for the injury. Subsequently, she was discharged but unfortunately, her husband died in the same accident, therefore, for doing the rituals as per the customs, she was discharged with direction to continue the treatment as outpatient.

3.This court considered the peculiar facts and circumstances that the claimant's husband also died in the same accident and she is also said to have sustained injuries and hence, the amount of Rs.14,000/- payable as compensation does not call for any interference. The above observation made by this court shall not prejudice the rights to contest the pending civil miscellaneous appeal.

4.In the result, the civil miscellaneous appeal fails and the same is dismissed. No costs. The connected miscellaneous petition is also dismissed.

5.The appellant Insurance Company is directed to deposit the award amount along with accrued interest at 7.5% p.a., less the

amount already deposited if any, within a period of two weeks from the date of receipt of a copy of this order. On such deposit, it is open to the claimant to withdraw the amount by moving appropriate application before the Tribunal.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

The Motor Accident Claims Tribunal,
III Additional District Judge,
Puducherry,

+1 cc to M/s.S.Arunkumar, Advocate, sr.4686

CMA No.70 of 2016

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