

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2016

CORAM

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

C.M.A.No.2296 of 2004

and

C.M.P.No.14232 of 2004

M/s. National Insurance Company Limited,
Pondicherry.

.. Appellant

.. Vs ..

1. Rajmohan
2. Ramaraj
(Ex-parte in the Lower Court)

.. Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act 1988, against the judgment and decree dated 18.07.2002 made in M.C.O.P.No.353 of 1997 on the file of the Motor Accidents Claims Tribunal, (Subordinate Judge), Chidambaram.

For Appellant	: Mr.S.Vadivel
For R-1	: Dismissed on 22.11.2016
For R-2	: Notice Dispensed with

- - - - -

JUDGMENT

This civil miscellaneous appeal is directed against the judgment and decree dated 18.07.2002 made in M.C.O.P.No.353 of 1997 on the file of the Motor Accidents Claims Tribunal, (Subordinate Judge), Chidambaram.

2. On the application filed by the first respondent/claimant, the Tribunal, after considering the oral and documentary evidence adduced on either side, awarded a sum of Rs.1,69,511/- together with interest at 9% per annum from the date of petition till the date of deposit towards compensation to the claimant. Aggrieved against the said award passed by the Tribunal, the second respondent in the above M.C.O.P/insurance company had preferred this appeal before this Court.

3. The learned counsel appearing for the appellant/Insurance Company would mainly contend that the judgment and decree of the Tribunal is contrary to law, weight of evidence and against all the

probabilities of the case. It is further contended that the Tribunal is erred in awarding excessive amount of Rs.1,69,511/- as compensation and therefore, the learned counsel for the appellant prayed that the award passed by the Tribunal has to be set aside and the compensation awarded by the Tribunal has to be reduced and the appeal has to be allowed.

4. This Court has considered the submissions made by the learned counsel appearing for the appellant and perused the entire records.

5. On perusal of the judgment of the Tribunal, it is seen that the Tribunal, after considering the oral and documentary evidence adduced on the side of the claimant and also considering the age, income and injuries sustained by the claimant, correctly awarded a sum of Rs.1,69,511/- towards compensation. The Tribunal correctly fixed the age and income of the deceased and by applying the multiplier method, awarded just and reasonable compensation of Rs.1,69,511/-. Hence, the argument of the learned counsel for the appellant that the Tribunal awarded excessive compensation is not at

all acceptable. There is no infirmity or illegality in the award passed by the Tribunal and this Court finds no reason to interfere with the award passed by the Tribunal, which does not warrant any interference by this Court and hence, the civil miscellaneous appeal deserves to be dismissed.

6. In the result, the civil miscellaneous appeal is dismissed by confirming the judgment and decree dated 18.07.2002 made in M.C.O.P.No.353 of 1997 on the file of the Motor Accidents Claims Tribunal, (Subordinate Judge), Chidambaram. Consequently, the connected miscellaneous petition is closed. No costs.

29.11.2016

Internet : Yes
Jrl

To

The Subordinate Judge,
Motor Accidents Claims Tribunal,
Chidambaram.

G.CHOCKALINGAM, J.

Jrl

C.M.A.No.2296 of 2004

29.11.2016
<http://www.judis.nic.in>