

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2016

CORAM

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

C.M.A.No.2821 of 2003

The Managing Director,
Tamil Nadu Arasu Perunthu,
Kumbakonam.

... Appellant/Respondent

.. Vs ..

Jaffer Ali

... Respondent/petitioner

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act 1988, against the judgment and decree dated 30.01.2003 made in M.A.C.T.O.P.No.326 of 2002 on the file of the Motor Accidents Claims Tribunal, (Additional District Judge), Chidambaram.

For Appellant : Mr.M.Krishnamoorthy
For Respondent : Service Awaited

JUDGMENT

This civil miscellaneous appeal is directed against the judgment and decree dated 30.01.2003 made in M.A.C.T.O.P.No.326 of 2002 on the file of the Motor Accidents Claims Tribunal, (Additional District Judge), Chidambaram.

2. The respondent herein as a claimant has filed a claim petition in M.A.C.T.O.P.No.326 of 2002 before the learned Additional District Judge, Motor Accidents Claims Tribunal, Chidambaram, claiming a sum of Rs.1,00,000/- as compensation for the injuries sustained by him against the appellant herein. The Tribunal, after considering the evidence adduced by both parties, awarded a sum of Rs.60,000/- towards compensation along with interest at 9% per annum from the date of petition till the date of deposit. Aggrieved against the said award passed by the Tribunal, the present appeal is preferred by the appellant/respondent in the M.C.O.P.No.326 of 2002.

3. The learned counsel for the appellant would mainly contend that the judgment and decree of the Tribunal is contrary to law, weight of evidence and probabilities of the case. It is further contended that the Tribunal is erred in awarding highly excessive amount of Rs.60,000/- as compensation even without discussing the injuries sustained by the claimant and therefore, the compensation awarded by the Tribunal has to be reduced according to the facts and circumstances of the case and hence, the learned counsel prayed that the award passed by the Tribunal has to be set aside and the appeal has to be allowed.

4. Notice sent to the respondent is returned as insufficient.

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

6. On perusal of the judgment of the Tribunal, it is seen that the Tribunal, after considering the oral and documentary evidence adduced on either side, correctly awarded a sum of Rs.60,000/- considering the injury sustained by the claimant and also the disability caused to the respondent/claimant. The compensation awarded by the Tribunal is just and reasonable. Hence, the argument of the learned counsel for the appellant that the Tribunal awarded excessive compensation is not at all acceptable and hence, the civil miscellaneous appeal deserves to be dismissed.

7. In the result, the civil miscellaneous appeal is dismissed by confirming the judgment and decree dated 30.01.2003 made in M.A.C.T.O.P.No.326 of 2002 on the file of the Motor Accidents Claims Tribunal, (Additional District Judge), Chidambaram. No costs.

सत्यमेव जयते

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

The Additional District Judge,
Motor Accidents Claims Tribunal,
Chidambaram.

+1 cc to Mr.M.Krishnamoorthy Advocate sr 68439

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