

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2016

CORAM

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

C.M.A.NPD.No.978 of 2004

The Oriental Insurance Company Limited,
Gobi.

.. Appellant

.. Vs ..

1. Pangaja Raman
2. Karunakaran
3. Murthy

.. Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act 1988, against the judgment and decree dated 30.04.2003 made in M.C.O.P.No.303 of 2001 on the file of the Motor Accidents Claims Tribunal, (Sub Judge), Bhavani.

For Appellant	: Mr.S.Arunkumar
For R-1	: Mr.N.Manokaran
For RR-2 & 3	: Served. No Appearance

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JUDGMENT

This civil miscellaneous appeal is directed against the judgment and decree dated 30.04.2003 made in M.C.O.P.No.303 of 2001 on the file of the Motor Accidents Claims Tribunal, (Sub Judge), Bhavani.

2. The first respondent herein as a claimant has filed a claim petition in M.C.O.P.No.303 of 2001 before the learned Sub-Judge, Motor Accidents Claims Tribunal, Bhavani, claiming a sum of Rs.3,60,000/- as compensation for the injuries sustained by him. The Tribunal, after considering the evidence adduced by both parties, awarded a sum of Rs.2,41,910/- along with interest at the rate of 9% per annum from the date of petition till the date of deposit towards compensation. Aggrieved against the said award passed by the Tribunal, the present appeal is preferred by the appellant/third respondent in the M.C.O.P.No.303 of 2001.

3. The learned counsel for the appellant/Insurance Company 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 excessive amount of Rs.2,41,910/- as compensation and hence, he prayed that the award passed by the Tribunal has to be set aside and the appeal has to be allowed.

4. The learned counsel appearing for the first respondent/claimant would contend that the Tribunal, after appreciating the oral and documentary evidence adduced on the side of the claimant, correctly awarded damages and hence, there is no illegality or infirmity or perversity in the award passed by the Tribunal and hence, the order of the Tribunal has to be confirmed and the civil miscellaneous appeal has to be dismissed.

5. Even though notice was served on the respondents 2 and 3 and their names are also printed in the cause list, they have not chosen to appear either in person or through counsel.

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

7. 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.2,41,910/- considering the injuries sustained by the claimant and also the permanent disability caused to the claimant at 30%. 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.

8. In the result, the civil miscellaneous appeal is dismissed by confirming the judgment and decree dated 30.04.2003 made in M.C.O.P.No.303 of 2001 on the file of the Motor Accidents Claims Tribunal, (Sub-Judge), Bhavani. Consequently, the connected miscellaneous petition is closed. No costs.

28.11.2016

Internet : Yes
Jrl

To

The Sub-Judge
Motor Accidents Claims Tribunal,
Bhavani.

G.CHOCKALINGAM, J.

Jrl

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