



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2016

Coram:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A(MD)No.1358 of 2016

The Superintending Engineer,
Tuticorin Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Tuticorin.

.. Appellant/Petitioner

-Vs-

1.Senthil Kumar

2.Cholamandalam MS General Insurance

Company Limited, Branch Office,
Dare House, II Floor, NSC Bose Road,
Chennai -600 001,

Through its Branch Manager.

.. Respondents/Respondents

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and Decree dated 30.01.2010 made in M.C.O.P.No.306 of 2008 on the file of the Motor Accident Claims Tribunal, Additional District Judge/Fast Track Court No.I, Thoothukudi.

For Appellant

: Mr.M.Mohan Babu

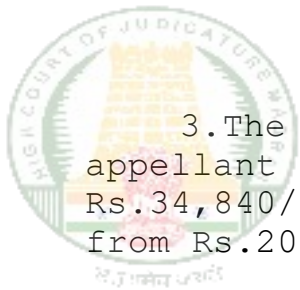
For R - 2

: Mr.S.Srinivasa Raghavan

JUDGMENT

This Civil Miscellaneous Appeal is preferred against the Judgment and Decree, dated 30.01.2010, made in M.C.O.P.No.306 of 2008 by the Motor Accident Claims Tribunal, Additional District Judge/Fast Track Court No.1, Thoothukudi.

2.It is a case, where the lorry owned by the Tamil Nadu Electricity Board was damaged in the accident took place on 06.03.2008 around 10.50 hours in Ettayapuram to Villathikulam Road. The Tribunal, considering the facts and circumstances of the case, awarded a sum of Rs.20,000/- as compensation towards the damages caused to the vehicle, which is a third party damage, which is covered under the Insurance Policy.



3.The main ground raised by the learned counsel for the appellant in this appeal is that the actual damage for material is Rs.34,840/- and therefore, the same ought to have been enhanced from Rs.20,000/- to Rs.34,840/-.

4.The learned counsel appearing for the second respondent opposed the appeal by stating that it is the Government workshop, wherein the labourers are appointed as permanent employees of the State of Tamil Nadu and they are getting monthly salary and therefore, the question of labour charges did not arise at all and accordingly, enhancement is not permissible.

5.On reading of the findings of the Tribunal, even as per the assessment of the Government Surveyor, the damage was assessed for the vehicle is Rs.16,600/- and therefore, it is not a case for enhancement and further, the Tribunal has reasonably considered the actual damages caused to the vehicle and there is no sufficient ground to enhance the compensation awarded by the Tribunal and accordingly, the appeal is devoid of merits and the award passed by the Motor Accident Claims Tribunal, Additional District Judge/Fast Track Court No.1, Thoothukudi, dated 30.01.2010, made in M.C.O.P.No.306 of 2008 is confirmed and the Civil Miscellaneous Appeal is dismissed.

6.The second respondent/Insurance Company is directed to deposit the entire award amount along with accrued interest and costs within a period of four weeks from the date of receipt of a copy of this order, if not already deposited and the appellant/claimant is permitted to withdraw the entire award amount along with accrued interest and costs through RTGS by filing necessary application before the Tribunal concerned. No costs.

Sd/-

Deputy Registrar (J)

/True copy/

Sub Assistant Registrar

To

The Motor Accident Claims Tribunal,
Additional District Judge/Fast Track Court No.I, Thoothukudi.

Copy to:

The Section Officer, V.R.Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.S.SRINIVASA RAGHAVAN, Advocate, SR No.74160

C.M.A (MD) No.1358 of 2016
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