

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 06.04.2017
CORAM:
THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN
C.M.A.No.1165 of 2017

Ashokkumar
S/o.Palani

... Appellant/Petitioner

-Vs-

1.Samidurai
S/o.Duraisamy
[Set exparte in tribunal]

2.The Divisional Manager
The New India Assurance Company Ltd.,
Pondicherry Division, T.P.claims Hub,
No.30, J.N.Street
Pondicherry - 1.

... Respondents/Respondents

PRAYER:

Appeal filed under Section 173 of M.V.Act, 1988 to set aside the award and decree dated 09.01.2017 in M.C.O.P.No.3741 of 2015 on the file of the Motor Accident Claims Tribunal, Special Sub Judge, Cuddalore by enhancing the award amount.

For petitioner : Mr.B.Kanikkai Arulmozhi

ORDER

The present Civil Miscellaneous Appeal has been preferred against the award of Rs.10,000/- ordered by the Tribunal, for the injuries sustained the claimant in the accident that occurred on 14.10.2015, when the two wheeler which the appellant was riding was hit by the Tata Sumo vehicle driven in a rash and negligent manner and insured with the second respondent. In the said accident, the claimant sustained injuries and therefore, the claim petition.

2.The Tribunal found that the accident occurred because of the rash and negligent driving of the Tata Sumo. However, taking into consideration that the claimant had suffered only minor injuries viz., scratches in the face and in hand, the Tribunal awarded a sum of Rs.10,000/-.

3.Considering the injuries sustained by the appellant, this Court is of the view that the award of Rs.10,000/- is on the higher side and the appellant should not have preferred the present appeal and this is nothing but the abuse of process of

law. Therefore, the appellant should be imposed with heavy costs for abusing the process of law. However, due to judicial restraint, this Court is not imposing any costs on the appellant.

4.In fine, the Civil Miscellaneous Appeal is dismissed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

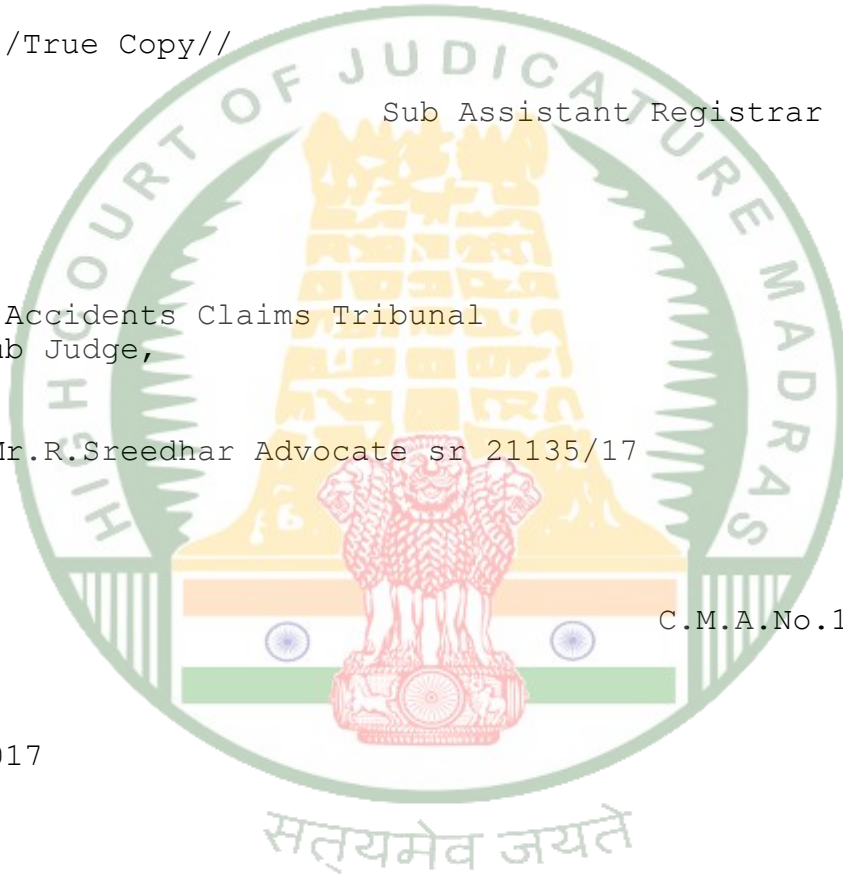
To

The Motor Accidents Claims Tribunal
Special Sub Judge,
Cuddalore

+1 cc to Mr.R.Sreedhar Advocate sr 21135/17

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