

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 15.03.2017

PRONOUNCED ON : 20.03.2017

CORAM

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

C.M.A.No.248 of 2011
and M.P.No.1 of 2011

Divisional Manager,
New India Assurance Co., Ltd.,
Vellore. .. Appellant/2nd Respondent

Vs .

1.Selvarasu
2.Elangovan
(2nd respondent was set exparte before
the Tribunal and hence notice to him
may be dispensed with) .. Respondents/Petitioner/1st Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of
the Motor Vehicles Act 1988, against the judgment and decree
dated 21.10.2009 made in M.C.O.P.No.217 of 2006 on the file of
the Motor Accidents Claims Tribunal, (Sub Judge) Cheyyar.

For Appellant : Mr.S.Jayasankar

For R1 : Mr.K.G.Senthilkumar

JUDGMENT

This civil miscellaneous appeal is directed against the
judgment and decree dated 21.10.2009 made in M.C.T.O.P.No.217 of
2011 on the file of the Motor Accidents Claims Tribunal, (Sub
Judge) Cheyyar, Tiruvannamalai District.

2. The first respondent herein as a claimant has filed a
claim petition in M.A.C.T.O.P.No.217 of 2011 before the learned
Sub Judge, Cheyyar, Tiruvannamalai District claiming a sum of
Rs.5,00,000/- 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.1,79,070/- towards compensation along with interest at 7.5% per annum from the date of petition till the date of deposit. Aggrieved against the said award passed by the Tribunal, the present appeal has been preferred by the appellant/respondent.

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. The Tribunal failed to note that the disability assessed by P.W.2-doctor, was on the higher side when the doctor assessed the disability without seeing any hospital records. 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. Learned counsel for the first respondent/claimant submitted that compensation awarded by the tribunal is just and reasonable and hence, it does not warrant any interference.

5. Heard both sides and perused the materials available on record.

6. Considering the submissions made on both sides, this Court is of the view that the tribunal has awarded a reasonable amount. Hence, I have no intention to interfere with the quantum of compensation awarded by the tribunal. Therefore, the appeal deserves to be dismissed and accordingly, the appeal is dismissed.

7. In the result, the civil miscellaneous appeal is dismissed by confirming the judgment and decree dated 21.10.2009 made in M.A.C.T.O.P.No.217 of 2006 on the file of the Motor Accidents Claims Tribunal, (Sub Judge), Cheyyar, Tiruvannamalai District. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kkd

To

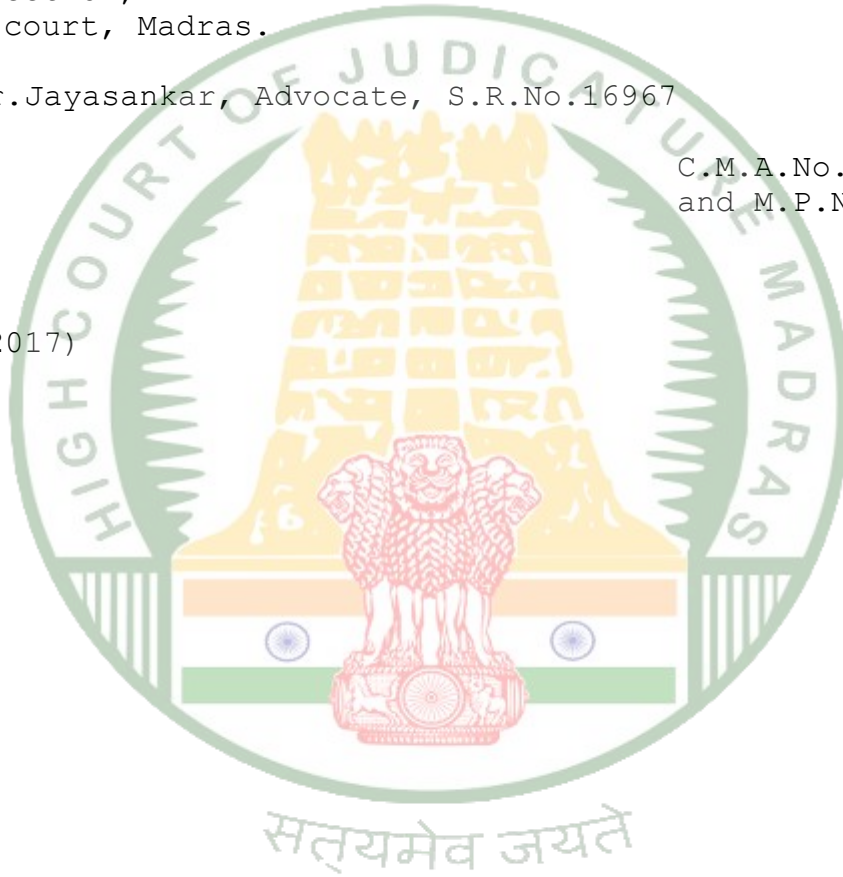
1. The Sub Judge,
Motor Accidents Claims Tribunal,
Cheyyar, Tiruvannamalai District.

2. The Section Officer,
V.R.Section,
High court, Madras.

+1cc to Mr.Jayasankar, Advocate, S.R.No.16967

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NM(CO)
RS(20/04/2017)



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