



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2017

WEB COPY

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

**CMA(MD)No.490 of 2017
and
CMP(MD)Nos.5202 & 10208 of 2017**

The Branch Manager,
Shriram General Insurance Co., Ltd,
Sri Retail Capital Ltd,
No.A12, 3rd Floor, Yasu Complex,
1st Cross, Thillai Nagar,
Trichy Town & Munsifi.

... Appellant / Respondent No.2

Vs.

1.Danasekaran

2.P.Saravanan

3.The Branch Manager
Cholamandalam General Insurance
Co., Ltd,
No.9, Rajaji Road, I Floor, Upstair,
State Bank of Travancore,
Peramanur, Salem,

(2nd respondent is given up) ... Respondents/Respondents 1 and 3

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 14.10.2015 made in MCOP.No.588 of 2010 on the file of the Motor Accident Claims Tribunal, Special Sub Judge, Thanjavur.

For Appellant : Mrs.K.R.Shivasankari for
Mr.S.Srinivasa Raghavan

**JUDGMENT**

The insurer has filed this appeal questioning the impugned award on the ground of quantum.

2.A veterinary doctor was travelling in his private car in Trichy-Namakkal road on 18.02.2010 at about 10.15 p.m. A maxi cab van insured with the appellant herein coming from the opposite direction dashed against the claimant's car. In the resulting accident, the claimant suffered severe injuries. The hip fracture suffered by him was quite severe. Crime No.19 of 2010 was registered against the driver of the maxi cab. The claimant filed MCOP.No.588 of 2010 on the file of the Motor Accidents Claims Tribunal, Special Sub Judge, Thanjavur.

3.The Tribunal on a consideration of the materials on record came to the conclusion that the accident took place on account of the rash and negligent driving of the driver of the maxi cab. The claimant had incurred a sum of Rs.2,51,510/- towards his medical treatment alone. He was employed in a private firm. The accident took place within a few months after he joined duty. Therefore, he could not continue his job. The Tribunal came to the conclusion that on account of the grievous injuries suffered by him, he would have been out of employment for more than a year. The said finding is certainly reasonable. Taking into account all the relevant circumstances, a sum of Rs.9,52,710/- was awarded as compensation. The Tribunal has given individual breakup figures. It cannot be said to be excessive by any standard. There is no merit in this appeal.

4. The award dated 14.10.2015 made in MCOP.No.588 of 2010 on the file of the Motor Accident Claims Tribunal, Special Sub Judge, Thanjavur is confirmed.



5.The appellant insurance company is directed to deposit the entire compensation amount with interest at the rate of 7.5% per annum from the date of petition till the date of realization and costs, within a period of eight weeks from the date of receipt of a copy of this order, less the amount already deposited, if any. On such deposit, the claimant is entitled to withdraw the same by filing proper application before the Tribunal, less the amount already withdrawn by him, if any.

6.This appeal stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

The Special Sub Judge,
Motor Accident Claims Tribunal (Special Sub Court),
Thanjavur.

Copy to

The Record Keeper, V.R.Section, (2 Copies)
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.S.SRINIVASA RAGHAVAN, Advocate SR.No.92070.
+1cc to M/S.P.LENIN, Advocate SR.No.92071.

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SDS/SV:MMS/SAR 2/28.02.2018/3P/6C