



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) .No.231 of 2015

and

M.P (MD) .No.1 of 2015

The Oriental Insurance Company Ltd.,  
Divisional Office-2,  
Rep. thro' its Divisional Manager,  
6, Northveli Veethi,  
Madurai Town,  
Madurai District.

... Appellant/2<sup>nd</sup> respondent

Vs

1.R.Balu

... 1<sup>st</sup> Respondent/Petitioner

2.M.Paramasivam

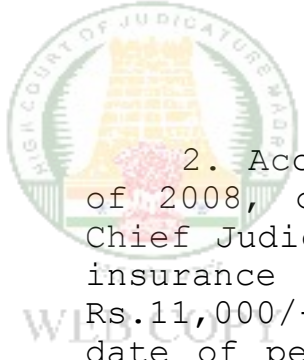
...2<sup>nd</sup> Respondent /1<sup>st</sup> Respondent

**PRAYER:-** Civil Miscellaneous Appeal filed under Section173 of the Motor Vehicle Act, to set aside the fair and decreetal order dated 26.02.2010 made in M.C.O.P.No.116 of 2008 on the file of the Motor Accident Claims Tribunal cum Chief Judicial Magistrate, Sivagangai.

|               |                                |
|---------------|--------------------------------|
| For Appellant | : Mr.K.Bhaskaran               |
| For R.1       | : No Appearance                |
| For R.2       | : set as <i>ex parte</i> in EB |

### J U D G M E N T

The insurance company has filed this appeal questioning the impugned order principally on the ground of liability. The respondents have travelled in a goods vehicle and suffered injuries in the accident in question. The said accident gave rise to a number of claims and all of them were allowed. The appeals filed by the insurance company against the other awards that arose out of the same accident were dismissed by this Court, on the ground of delay. Thus, the said awards were confirmed. Therefore, this Court cannot take a different view in this matter. Besides, the award amount is also very low. It is for just Rs.11,000/-. I decline to interfere the same.



2. Accordingly, order dated 26.02.2010 made in M.C.O.P.No.116 of 2008, on the file of the Motor Accident Claims Tribunal cum Chief Judicial Magistrate, Sivagangai is confirmed. The appellant insurance company is directed to pay the entire amount of Rs.11,000/- with interest at 7.5% per annum and costs from the date of petition till the date of realization 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 entire amount by filing proper application before the Tribunal, less the amount already withdrawn by them, if any.

3. The Civil Miscellaneous Appeal is dismissed, accordingly. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Motor Accident Claims Tribunal  
cum Chief Judicial Magistrate,  
Sivagangai.
2. The Record Keeper, VR Section,  
Madurai Bench of Madras High Court,  
Madurai.

+ 1 cc TO Mr.K.Bhaskaran , Advocate in SR No. 87653

kmi  
AE/JC/SAR2/23.01.2018/2P/5C

**C.M.A. (MD) .No.231 of 2015**  
**16.11.2017**