



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CMA(MD)No.284 of 2016

Sakthi Mohan ... Appellant/2nd Respondent

Vs.

1.A.Thaaai ... 1st Respondent/Claimant

2.Padhamuthu ... 2nd Respondent/1st Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 03.12.2013 made in M.C.O.P.No.43 of 2012 on the file of the Motor Accident Claim Tribunal / Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputhur.

For Appellant : Mr.M.Thirunavukkarasu

For R1 : Mr.P.Krishnasamy

For R2 : Mr.S.Balamurugan

JUDGMENT

The owner of the offending vehicle has filed this appeal questioning the impugned award passed by the Tribunal.

2.The claimant was a pillion rider; her son was riding the vehicle and the second respondent herein dashed the offending vehicle against the two wheeler due to which the claimant suffered injuries. The Tribunal has awarded a sum of Rs.1,88,136/-. Aggrieved by the same, this appeal has been filed.

3.The learned counsel appearing for the appellant would contend that contributory negligence ought to have fixed on the rider of the vehicle. The claimant was only a pillion rider. It seen that before the Tribunal, the appellant did not adduce any contra evidence. The Tribunal held that the second respondent herein is responsible for causing the said accident and that the appellant herein and the second respondent herein are liable to pay compensation. The amount awarded as compensation is not excessive considering the nature of the injuries suffered by the claimant. There is no merit in this appeal. Hence, this Civil Miscellaneous Appeal stands dismissed.



4.The order dated 03.12.2013 made in M.C.O.P.No.43 of 2012 on the file of the Motor Accident Claim Tribunal / Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputhur is confirmed.

5.The appellant and the second respondent herein are directed to deposit the entire compensation amount, jointly or severally, as awarded by the Tribunal, 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 On such deposit, the claimant is permitted to withdraw the said amount, less the amount already withdrawn by her, if any, by filing proper application.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Chief Judicial Magistrate,
Motor Accidents Claims Tribunal,
Virudhunagar District at Srivilliputtur.

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.M.Thirunavukkarasu, Advocate SR.No. 85373

CMA(MD) No.284 of 2016

03.11.2017

MM

JM/SV MMS/SAR 1/13.12.2017/2P/4C