

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 17.11.2017****CORAM :****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****C.M.A. (MD) No.924 of 2017
and
CMP (MD) No.9753 of 2017**

The Oriental Insurance Company Limited,
through its Divisional Manager,
39/40, Saradha Shopping Complex,
Simmakkal, Madurai.

... Appellant

Vs.

1.P.Selvapandi

2.S.Kumar

... Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree order dated 29.08.2013 made in MCOP.No.91 of 2010 on the file of the Motor Accidents Claims Tribunal, Principal Sub Court, Madurai.

For Appellant : Mr.C.Ramachandran

For Respondents : Mr.P.Ganapathi Subramanian for R2

No appearance for R1

JUDGMENT

The Insurance Company has filed this appeal questioning the award on the ground of quantum.

2.On 10.03.2009 at about 11.30 am when the petitioner was walking on the left side road, the vehicle belonging to the second respondent herein and insured with the appellant dashed against the claimant. The claimant suffered fractures in the accident in question. The Tribunal awarded a sum of Rs.73,000/- with interest. By no stretch of imagination can this be said to be excessive. There is no merit in this appeal. This appeal is liable to be dismissed.

3.The award dated 29.08.2013 made in MCOP.No.91 of 2010 on the file of the Motor Accidents Claims Tribunal, Principal Sub Court, Madurai is confirmed.



4.The appellant insurance company is directed to deposit the entire compensation amount as awarded by the Tribunal, with interest at the rate of 7.5% per annum, from the date 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 being made, the claimant is permitted to withdraw the same, by filing proper application, before the Tribunal, less the amount already withdrawn by him, if any.

5.This Civil Miscellaneous Appeal is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Principal Subordinate Judge,
Motor Accidents Claims Tribunal,
Madurai.

Copy to

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

+1cc to Mr.C.Ramachandran, Advocate Sr.No.88067

+1cc to Mr.P.Ganapathi Subramanian, Advocate Sr.No.87973

SKM

VB/SKN/RSK/SAR4/14/12/2017/2P/5C

**C.M.A. (MD) No.924 of 2017
and
CMP (MD) No.9753 of 2017
17.11.2017**