

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 27.10.2017****CORAM :****WEB COPY****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****C.M.A.(MD)No.469 of 2015****and****MP(MD)No.3 of 2015**

The Oriental Insurance Company Ltd,
through its Divisional Manager,
16, North Veli Street,
Madurai - 625 001.

... Appellant/2nd Respondent

Vs.

1.V.Muthupandi

... 1st Respondent/Petitioner

2.A.Abdul

... 2nd Respondent/1st Respondent

Prayer: This Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree order made in MCOP.No.2090 of 2008, dated 30.10.2013 on the file of the Motor Accidents Claims Tribunal, (IV Additional Sub Judge), Madurai.

For Appellant : Mr.C.Ramachandran
For Respondents : Mr.M.P.Senthil for R1
No appearance for R2

JUDGMENT

The Oriental Insurance Company Limited has filed this appeal questioning the award dated 30.10.2013 made in MCOP.No.2090 of 2008 on the file of the Motor Accidents Claims Tribunal, IV Additional Sub Judge, Madurai.

2.The first respondent herein is the claimant. The first respondent was travelling in a goods vehicle on 16.06.2008 as a cleaner cum loadman. The vehicle capsized on account of the rash and negligence driving of the driver. The claimant suffered injuries. The vehicle was insured with the appellant herein. The claimant examined himself as PW 1. He sustained 57% partial permanent disability.



3.The Tribunal awarded a sum of Rs.1,98,249/- after awarding compensation under other conventional heads. The approach of the Tribunal cannot be faulted. Considering the injuries suffered by the claimant, the award amount is also not excessive. There is no need to interfere with the same. This appeal is without any merit. It stands dismissed.

4.The appellant insurance company is directed to deposit the entire compensation amount with accrued interest and costs as awarded by the Tribunal within a period 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 On such deposit, the claimant is entitled to withdraw the same, less the amount already withdrawn by him, if any by filing proper application before the Tribunal.

5.This Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The IV Additional Sub Judge,
Motor Accidents Claims Tribunal(IV Additional Sub Court),
Madurai.
2. The Record Keeper,
Madurai Bench of Madras High Court, Madurai.

Copy to:

A.Abdul,
S/o. Alaudeen,
32, Chettiyooranani 4th Lane,
Madurai.

+1cc to M/S.M.P.SENTHIL, Advocate SR.No.84087.

+1cc to M/S.C.RAMACHANDRAN, Advocate SR.No.84051.

C.M.A. (MD) No.469 of 2015
and

MP (MD) No.3 of 2015
27.10.2017skm