

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2018

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

C.M.A.No.1095 of 2006

and

C.M.P.No.4524 of 2006

Manager,
National Insurance Company,
Motor Third Party Claims Cell,
751, Anna Salai,
Chennai - 600 002.

..Appellant/Respondent-2

..Vs..

1.Saroja
2.Parthasarathy
3.Mahendran
4.M.Narayanan

..Respondents 1to3/Petitioners 1to3

..Respondent-4/Respondent-1

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the decree and judgment dated 28.04.2005 in M.A.C.T.O.P.No.513 of 2004 on the file of the Motor Accident Claims Tribunal, (Subordinate Court), Thiruvallur.

For Appellants : Mr.S.Vadivel

For Respondents 2&4: No appearance

RR 1&3 : Not ready notice

JUDGMENT

No Appearance for the respondents.

2. The Manager, National Insurance Company, has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988 against the decree and judgment dated 28.04.2005, passed by the learned Subordinate Judge, Thiruvallur, in M.A.C.T.O.P.No.513 of 2004.

3. The brief facts of the case of the claimants/respondents is as follows:

On 02.05.2004 at about 10.00 am, the deceased Govindasamy was walking on the road along with his brother-in-law. Both of them were proceeding towards Vadamadurai from Thundumedu Village. When they were nearing Ernanguppam Branch Road, the driver of the first respondent drove the Mahendra van bearing Registration No.TN-20-V-5863 rashly and negligently and hit the deceased Govindasamy, as a result of which, the deceased Govindasamy sustained injuries all over his body and died on the spot.

4. According to the claimants/respondents 1 to 3, the owner of the Mahendra van/the fourth respondent herein, has insured his vehicle bearing Registration No.TN-20-V-5863 with the present appellant and therefore, both of them are jointly and severely liable to pay the compensation to the claimants. The fourth respondent remained absent and was set ex-parte before the trial Court. The present appellant filed a counter denying all the allegations of the claimants/ respondents.

5. The learned Subordinate Judge, Thiruvallur, after analysing the entire evidence on record had awarded a compensation of Rs.3,72,000/- to the claimants/respondents. Aggrieved over the quantum of compensation, the Manager, National Insurance Company has filed the present appeal.

6. Mr.S.Vadivel, the learned counsel appearing for the appellant would contend that the Trial Court has not applied its mind while calculating the compensation amount and that the amount of compensation is on the higher side.

7. A perusal the records shows that the trial Court has properly calculated the award amount and I do not see any reason to interfere with the findings of the learned trial Court Judge.

8. In the result, the appeal filed by the appellant is dismissed. No Costs. Consequently, connected Civil Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

mbi/dna

To

1. The Subordinate Judge,
Motor Accidents Claims Tribunal, Thiruvallur.

2. The Section Officer, VR Section,
High Court, Madras.

+ 1 cc to Mr. S. Vadivel, Advocate Sr.76961

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