

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2018

CORAM:

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

C.M.A.No.1978 of 2007

and

MP.No.2 of 2007

National Insurance Company Limited

Branch Office,

Sangagiri, Salem Main Road,

Sangagiri.

... Appellant/2ND Respondent

...Vs...

1.1.Selvakumar

...1st Respondent / Petitioner

2.Ponnuswamy

...2nd Respondents/1st Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the decree and judgment in M..C.O.P.No.25 of 2005 dated 14.10.2006 on the file of the Motor Accidents Claims Tribunal, (Subordinate Court), Sangagiri.

For Appellant : M/s.N.B.Surekha

For Respondents : Mr.P.Jagadeesan for R1
R2- Died

JUDGMENT

The appellant, the National Insurance Company, Sangagiri, has filed the present appeal under Section 173 of the Motor Vehicles Act, questioning the quantum of compensation of Rs.26,000/- awarded by the Tribunal in MCOP.No.25 of 2005 on the file of the Motor Accidents Claims Tribunal, Subordinate Judge, Sangagiri.

2.The brief case of the first respondent/claimant is as follows:

On 03.10.2004, the first respondent was riding his two wheeler, TVS 50, bearing Registration No.TN-63-Y-213 at Chinnappampatti in Samuthiram Main Road and at that time a speeding Tempo Van bearing Registration No.TN-63-B-3838 hit the first respondent/claimant, as a result of which, he sustained grievous injuries.

3. According to the first respondent/claimant, the rash and negligent driving of the driver of the Tempo Van was the cause of the accident and that the said Tempo Van was insured with the present appellant, the owner as well as the National Insurance Company are jointly and severally liable to pay the compensation to him.

4. The learned Subordinate Judge, Sangagiri, after analysing the evidence on record, awarded a compensation of Rs.26,000/- to the first respondent/claimant together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit.

5. A perusal of the medical records shows that the first respondent/claimant sustained four injuries out of which, one injury is grievous in nature and therefore, the trial Court awarded a sum of Rs.15,000/-, Rs.2,000/- and Rs.5,000/- towards pain and sufferings, Transportation charges and Extra nourishment respectively.

6. Apart from the above amount a sum of Rs.4,000/- is awarded for medical expenses. By any stretch of imagination, the above amount can be said to be on the higher side considering the nature of injury sustained by the claimant. The first respondent/claimant did not file any cross objection/appeal seeking for enhancement of compensation.

8. In the facts and circumstances of the present case, I do not find any reason to interfere with the orders passed by the trial Court. Accordingly, this appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CS iv)

//True Copy//

Sub Assistant Registrar

dna
To

The Motor Accidents Claims Tribunal,
(Subordinate Court), Sangagiri.

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A.SK(29/01/2019)