

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2018

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

C.M.A.No.2422 of 2005

The Oriental Insurance Company
Regional Office No.8,
Esplanade, Chennai 108.

... Appellant/2nd Respondent

..Vs..

1.A.M.Abdhullah
2.R.M.Muthu

...Respondents/Petitioner/1st Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the decree and judgment in MCOP.No.4047 of 2002 dated 10.02.2005 on the file of Motor Accidents Claims Tribunal, VI Small Causes Court, Chennai.

For Appellant : No appearance

For Respondents : Mrs.M.Sudha

JUDGMENT

No appearance for the appellant.

2. The appellant, Oriental Insurance Company Limited has filed the present appeal,

(i) questioning the quantum of compensation of Rs.1,68,000/- awarded by VI Judge, Motor Accidents Claims Tribunal, Small Causes Court, Chennai and also

(ii) questioning fixing of liability on the part of the second respondent alone, when the accident involves two vehicles and was found to be a head on collision.

3. When the case was taken up for hearing, there was no representation on the side of the appellant/Oriental Insurance Company Limited. Further more, the learned counsel appearing for the first respondent/claimant filed a copy of the judgment passed in CMA.No.3128 of 2005 by this Court on 04.11.2011, enhancing the compensation to Rs.1,82,000/-.

4. A perusal of the judgment passed by this Court shows that the present appellant did not advance any arguments with regard to negligence and the Single Bench, after considering the arguments advanced on both sides, has enhanced the award amount to Rs.1,82,000/-. In fact, the present appellant was directed to pay the enhanced compensation amount with interest and costs.

5. Accordingly, this appeal is dismissed as infructuous. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

dna

To

1.The Motor Accidents Claims Tribunal,
VI Small Causes Court, Chennai.

Copy to:

The Section Officer,
VR Section,
High Court, Madras(2 copies)

C.M.A.No.2422 of 2005

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