

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2018

CORAM

THE HONOURABLE MRS. JUSTICE S.RAMATHILAGAM

C.M.A.No. 3071 of 2006

M/s.United India Insurance
Company Limited,
1st Floor, 42, Madam Street,
Kumbakkonam (Kaspa)

.... Appellant/2nd Respondent

-Vs-

1. Balasubramanian1st Respondent/ Claimant

2. Subramanian ...2nd Respondent/ 1st Respondent

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act of 1988 against the Judgment and Decree dated 12.04.2006 made in M.C.O.P.No.77 of 2003 on the file of the Motor Accident Claims Tribunal (Subordinate Judge) at Tirvarur.

For Appellant : Mr.D.Bhaskaran

For Respondents : No Appearance

JUDGMENT

This Civil Miscellaneous Appeal has been filed by the Insurance company as against the judgment passed in MCOP No.77 of 2003 on the file of the Motor Accident Claims Tribunal (Subordinate Judge) at Tirvarur.

2. The brief facts of the claim application is as follows :-

On 18.6.2001 at 4.04 a.m., when the Claimant/1st respondent was proceeding to Mugandanur village in his bicycle, which is between Tiruvarur to Thanjavur Road, the Tractor bearing Registration No. TN 50 1094 belonging to the second respondent herein, was driven by its driver in a rash and negligent manner and hit behind the cycle. In the impact, the claimant sustained severe injuries all over the body and therefore, he filed the claim petition claiming compensation of Rs.3,00,000/- before the Tribunal.

3. The Tribunal awarded a sum of Rs.1,04,000/- under the following breakup details :-

		Rs.
Loss of income	:	96,000/-
(Rs.1500/- x 12-1/3 x 16 x 50%		
Pain and sufferings	:	5,000/-
Nutrition	:	3,000/-

		1,04,000/-

4. Aggrieved over the same, the appellant / Insurance company has filed this appeal.

5. The learned counsel for the appellant / insurance company denied the manner of accident or involvement of the Tractor in the said accident. He has further stated that the accident occurred on 18.06.2001, but the complaint was preferred belatedly.

6. On perusal of records, it is observed that the claimant was hospitalised after the accident and from the deposition of the Doctor, PW4, it is clear that the claimant gained his consciousness only after 6 days of treatment, therefore, the delay in preferring complaint will not be significant for consideration of this Court. Further, this Court feels that the evidences available on record were well appreciated by the Tribunal and from the investigation report, it could be seen that the vehicle in question involved in the said accident, was insured with the appellant / Insurance company. Therefore, the insurance company is liable to pay the compensation. Hence, this Court is of the opinion that the award passed by the Tribunal does not require any interference and the same is confirmed. Accordingly, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition, if any is closed.

7. The appellant /Insurance Company is directed to deposit the entire award amount along with accrued interest and costs as ordered by the Tribunal, less the amount, if any, already deposited, to the credit of MCOP No.77 of 2003 on the file of the Motor Accident Claims Tribunal (Subordinate Judge) at Tirvarur, within a period of four weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the Tribunal is directed to transfer the award amount directly to the bank account of the claimant, through RTGS, within a period of two weeks thereafter.

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Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Motor Accidents Claims Tribunal,
Subordinate Judge,
Tirvarur.
2. The Section Officer,
Vernacular Section,
Madras High Court.

C.M.A.No. 3071 of 2006

Kak(11/07/2019)



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