

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2018

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

C.M.A.No.3220 of 2006
and
C.M.P.No.10298 of 2006

National Insurance Company,
No.66, Greaves Road,
Thousand Lights,
Chennai - 6.

... Appellant/2nd Respondent

..Vs..

1.S.Ravi

... 1st Respondent/Petitioner

2.Panneerselvam

... 2nd Respondent/1st Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the decree and judgment dated 24.02.2004 in M.A.C.T.O.P.No.4034 of 1999 on the file of the Motor Accident Claims Tribunal, Chennai (II Judge, Small Causes Court, Chennai).

For Appellant : Mr.S.Vadivel

For Respondents : No Appearance

JUDGMENT

This Appeal is filed by the National Insurance Company against the award passed by the learned II Judge, Court of Small Causes, Chennai in M.C.O.P.No.4034 of 1999.

2.The brief facts of the case of the claimant is as follows:

On 03.02.1999, when the first respondent was riding his bicycle on Nelson Manickam Road, a two wheeler bearing Registration No.TN-31-7161 hit the bicycle, as a result of which, the first respondent/claimant sustained grievous injuries. According to the first respondent/claimant, the accident was due to the rash and negligent driving of the rider

of the two wheeler. After analyzing the entire evidence on record, the trial Court awarded a compensation of sum of Rs.31,500/- to the first respondent/claimant together with interest at the rate of 9% per annum.

3. Mr.S.Vadivel, the learned counsel appearing for the appellant contended that the award passed by the Motor Accident Claims Tribunal is not only on the higher side, but the trial Court failed to look into the fact that the FIR (Ex.P1) was registered after a delay of 5 days.

4. A perusal of the records shows that the accident is admitted by the National Insurance Company as well as by the owner of the vehicle (the second respondent herein). The trial Court has awarded the following amounts:

S.No.	Heads under which the award is passed	Amount Granted
1	Loss of income	3,000
2	Transportation charges	500
3	Extra nourishment	1,000
4	Loss of property	500
5	Medical expenses	1,500
6	Pain and suffering	5,000
7	Partial permanent disability	15,000
	Total	31,500

5. A perusal of the judgment passed by the trial Court and the evidence adduced on the side of the claimant clearly shows that the claimant has proved that the rider of the motor cycle bearing Registration No.TN-31-7161 was responsible for the accident and the present appellant also did not adduce any contra evidence in this regard before the trial Court.

6. The learned II Judge, Court of Small Causes, Chennai, has considered the evidence adduced on both sides and awarded a sum of Rs.31,500/- together with interest at the rate of 9% per annum and in the considered opinion of this Court, there is no reason to interfere with the findings given by the learned II Judge, Small Causes Court, Chennai. Therefore, the present appeal is liable to be dismissed. No costs. Consequently, the

connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mbi/dna

To

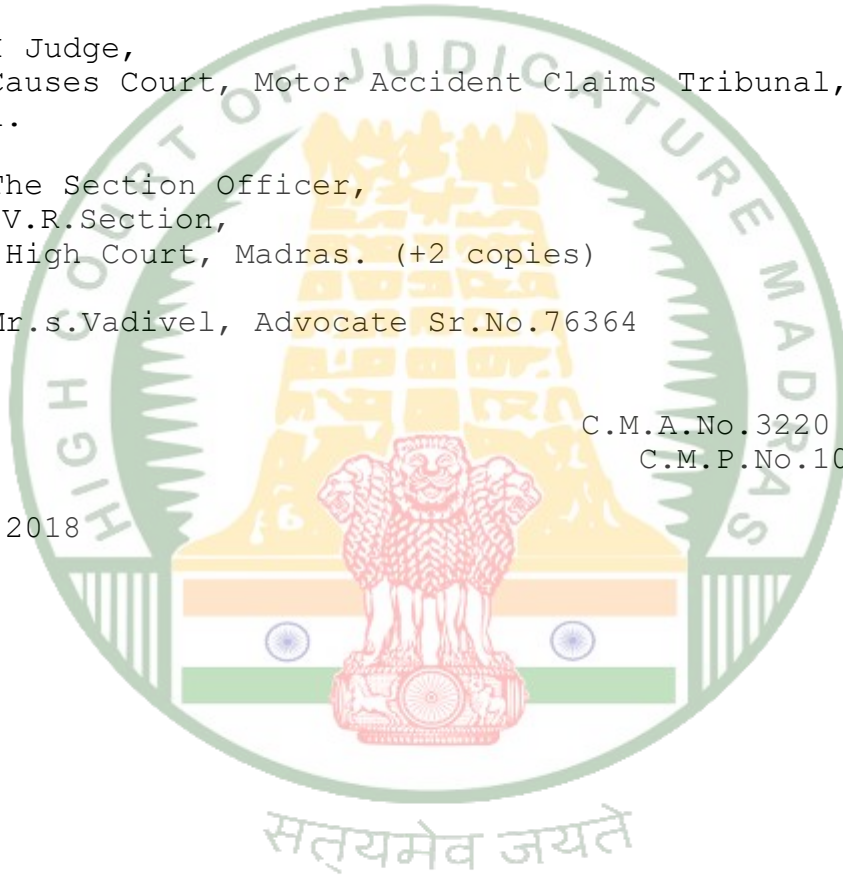
1. The II Judge,
Small Causes Court, Motor Accident Claims Tribunal,
Chennai.

Copy To: The Section Officer,
V.R.Section,
High Court, Madras. (+2 copies)

+1 cc to Mr.s.Vadivel, Advocate Sr.No.76364

C.M.A.No.3220 of 2006 and
C.M.P.No.10298 of 2006

BR(CO)
CSL/28.12.2018



WEB COPY