

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2018

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

C.M.A.No.1528 of 2011
and
M.P.No.1 of 2011

The Branch Manager,
United India Insurance Company Limited,
Branch Office,
No.6, Ganga Griha 2nd floor,
Nungambakkam High Road,
Chennai 600 034.

... Appellant/2nd Respondent

vs

1.Chinna Pillai

... 1st Respondent/Petitioner

2.S.Udayanan

... 2nd Respondent/1st Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the award dated 21.03.2006 in M.C.O.P.No.30 of 2004 on the file of the Motor Accidents Claims Tribunal (Sub Court) at Krishnagiri.

For Appellant : Mr.T.Ravichandran

For Respondents: No appearance for R1
R2-Exparte

JUDGMENT

The United India Insurance Company Limited, Chennai has filed the present appeal under Section 173 of Motor Vehicles Act, 1988 questioning the quantum of compensation awarded in M.C.O.P.No.30 of 2004 dated 21.03.2006, on the file of the Motor Accidents Claims Tribunal (Sub Court), Krishnagiri.

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

On 18.08.2003, the first respondent/claimant was riding his bicycle on Kaveripattinam - Saapparam road. At that time, a speeding Bajaj van bearing Registration No. TN 74 C 4512 hit the bicycle, as a result of which, the first respondent/claimant sustained grievous injuries. According to the first

respondent/claimant, the rash and negligent driving of the driver of the Bajaj van was the cause of the accident and that since the first respondent has insured his vehicle with the present appellant, they are liable to pay a compensation of Rs.50,000/- for the injuries sustained by him.

3.The trial court after analysing the evidence on record, awarded a compensation of Rs.40,000/- together with interest at the rate of 9% per annum from the date of filing of the claim petition till the date of deposit.

4.Mr.T.Ravichandran, learned counsel appearing for the appellant would contend that when the injuries sustained by the first respondent/claimant are simple in nature, the trial court ought not to have awarded a sum of Rs.40,000/-.

5.A perusal of the wound certificate (Ex.A2) shows that the injuries sustained by the first respondent/claimant are simple in nature. However, without considering Ex.A2, the tribunal has awarded a compensation of Rs.40,000/-, which is definitely on the higher side.

6.In the facts and circumstances of the present case, the just compensation would be Rs.15,000/- which will carry interest at the rate of 7.5% per annum from the date of filing of the claim petition till the date of deposit. Therefore, the award passed in M.C.O.P.No.30 of 2004 dated 21.03.2006, on the file of the Motor Accidents Claims Tribunal, Sub Court, Krishnagiri is set aside.

7.The Insurance Company is directed to withdraw the excess amount deposited by them.

7.With the above observations, the Civil Miscellaneous Appeal is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To
1.The Motor Accident Claims Tribunal/
The Sub Court
Krishnagiri.

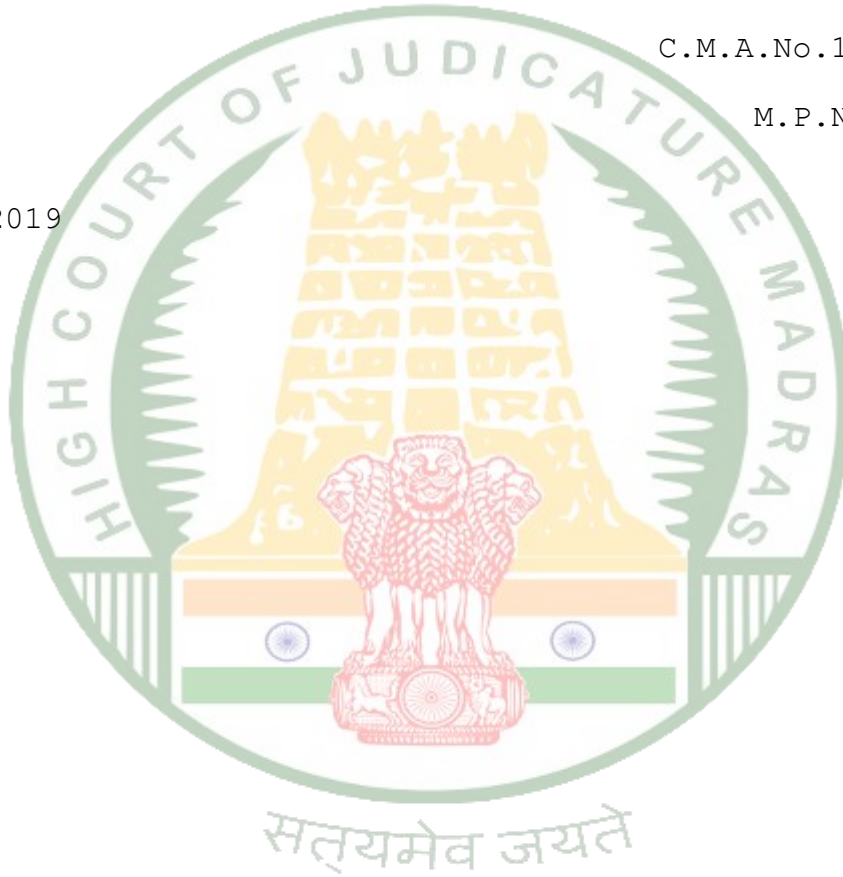
Copy to:

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

+lcc to Mr.T.Ravichandran, Advocate sr.no.79106

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