



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2018

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A. (MD) No.1266 of 2013

WEB COPY

Ruby Silvia

... Petitioner/Appellant

Vs.

1.Stephen Thangaraj
2.The Branch Manager,
National Insurance Company Ltd.,
Vigneswara Building,
Near Pudukottai Road,
Trichirappalli.

... Respondents/Respondents

PRAYER: Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to call for the records pertaining to the Judgment and Decree, dated 30.09.2011 in M.C.O.P.No.33 of 2008, on the file of the Motor Accidents Claims Tribunal, Sub Court, Sankarankovil and enhance the compensation from a sum of Rs.1,72,180/- to a sum of Rs.5,00,000/-.

For Appellant : Mr.V.Sasikumar
For R2 : Mr.D.Sivaraman

JUDGMENT

This Civil Miscellaneous Appeal has been filed by the appellant-claimant against the award, dated 30.09.2011, made in M.C.O.P.No.33 of 2008, passed by the Motor Accident Claims Tribunal, Sub Court, Sankarankovil.

2.The appellant/claimant filed a claim petition in M.C.O.P.No.33 of 2008, before the Motor Accident Claims Tribunal, Sub Court, Sankarankovil, claiming a sum of Rs.5,00,000/- (Rupees Five Lakhs only) as compensation, for the injuries suffered by her, in the accident that occurred on 02.03.2007. The Tribunal considering the pleadings, oral and documentary evidence, awarded a sum of Rs.1,72,180/- as compensation.

3.Not being satisfied with the quantum of compensation awarded by the Tribunal, the appellant has come out with the present appeal.

4.I have heard the learned counsel appearing for the appellant and the second respondent and perused the materials available on record.

5.The contention of the learned counsel appearing for the appellant that the Tribunal failed to award any compensation towards disability and attendant charges, is without merits. From



the materials on record, it is seen that the appellant has not let in any evidence to show the nature of the injuries sustained by her, disability, if any and the period of treatment taken by her. There is nothing on record to show that the appellant had taken treatment as Inpatient. The Tribunal considering the failure on the part of the appellant to plead and prove the nature of the injuries, disability and the treatment taken by her, has not awarded any amounts under the head 'disability' and other heads. The contention of the learned counsel for the appellant that the appellant was taking treatment at the time of filing the claim petition, is not supported by any evidence. The Tribunal considering the evidence of P.W.1 and documents filed, granted compensation, which is just and proper. In the circumstances of the case, there is no reason for enhancing the compensation granted by the Tribunal. There is no reason warranting interference by this Court and the Civil Miscellaneous Appeal is dismissed. No costs.

6.The learned counsel appearing for the appellant submitted that till today, the second respondent has not deposited the award amount. The second respondent Insurance Company is directed to deposit the award amount along with accrued interest and costs to the credit of M.C.O.P.No.33 of 2008, on the file of the Motor Accident Claims Tribunal, Sub Court, Sankarankovil, within a period of **eight weeks** from the date of receipt of copy of this judgment. On such deposit being made, the appellant/claimant is entitled to withdraw the award amount with interest by making necessary application before the Tribunal. No costs.

Sd/-

Assistant Registrar(RECORDS)

/True Copy/

Sub Assistant Registrar(CS-I)

AM

To

The Subordinate Judge,
Motor Accidents Claims Tribunal,
(Sub Court), Sankarankovil.

COPY TO

1. The Record Keeper,
V.R.Section, Madurai Bench of Madras High Court,
Madurai. 2COPIES
2. The Branch Manager,
National Insurance Company Ltd.,
Vigneswara Building,Near Pudukottai Road,
Trichirappalli

- 1 CC TO Mr.V.SASIKUMAR , ADVOCATE IN SR No. 86799.
- 1 CC TO Mr.D.SIVARAMAN , ADVOCATE IN SR No.87242.
- DS SKN SAR1 07 01 2019 2P 7C