

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

C.M.A.No.2196 of 2002

Minor Selvam
rep.by his father and next friend
Murugesan,
Padiyandipalayam,
Kangayam, Erode District.

... Appellant

Vs

1.B.Kandasamy

2.M.Kumaravel

3.The National Insurance Co.Ltd.,
Marutham Complex,
F 215, Omalur Road,
Swarnapuri,
Salem-636 004.

... Respondents

Appeal under Section 173 of the Motor Vehicles Act against the judgment and decree dated 05.11.2002 made in MCOP No.1347 of 1998 on the file of the Motor Accidents Claims Tribunal (Additional District Court), Dharapuram.

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For Appellant : Mr.N.S.Sivakumar

For Respondents : Mr.K.Suryanarayanan for R3

JUDGMENT

This appeal is preferred by the appellant / claimant against the award of a sum of Rs.10,000/- towards compensation to him, due to the injuries sustained by him in a motor vehicle accident.

2.The case in brief, is as follows:

On the fateful day, ie. on 01.04.1998, at about 6.00 a.m., the appellant / claimant was walking along with his father on the left side of the Kangeyam to Nathakadaiyur Main Road, near Sundarapuri. At that time, a van bearing Reg.No.TN-27-H-9507 driven by the first respondent in a rash and negligent manner, dashed against the appellant. Due to the said impact, the appellant sustained grievous injuries. He filed a claim petition before the Tribunal. The appellant claimed a sum of Rs.1,00,000/- as compensation before the Tribunal. On consideration of the materials and evidence available on record, the Tribunal awarded a total compensation of Rs.10,000/- with interest at the rate of 9% per annum from the date of petition.

3.Challenging the same, the appellant has filed the present Civil Miscellaneous Appeal.

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4. When this appeal came up on 03.06.2019, on considering the materials and evidence available on record and also taking note of the fact that the appellant has attained majority, this Court came to the conclusion that it would be appropriate to enhance the award amount to Rs.1,00,000/- in full quit, for which the learned counsel for the third respondent Insurance Company has also agreed. Hence, this Court directed the learned counsel for the appellant to file an affidavit to the effect that the appellant is willing to receive Rs.1,00,000/- as full and final settlement. Accordingly, an affidavit has been filed today, duly signed by the appellant, stating that the appellant is willing to receive a sum of Rs.1,00,000/- in full quit, without interest.

5. Recording the same, this appeal is disposed of. No costs. The third respondent Insurance Company is directed to deposit the enhanced award amount of Rs.1,00,000/-, after deducting the amount if any already deposited, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit, the appellant / claimant is permitted to withdraw the same, on making proper application before the Tribunal.

Index : Yes/No
Internet : Yes/No
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17.06.2019

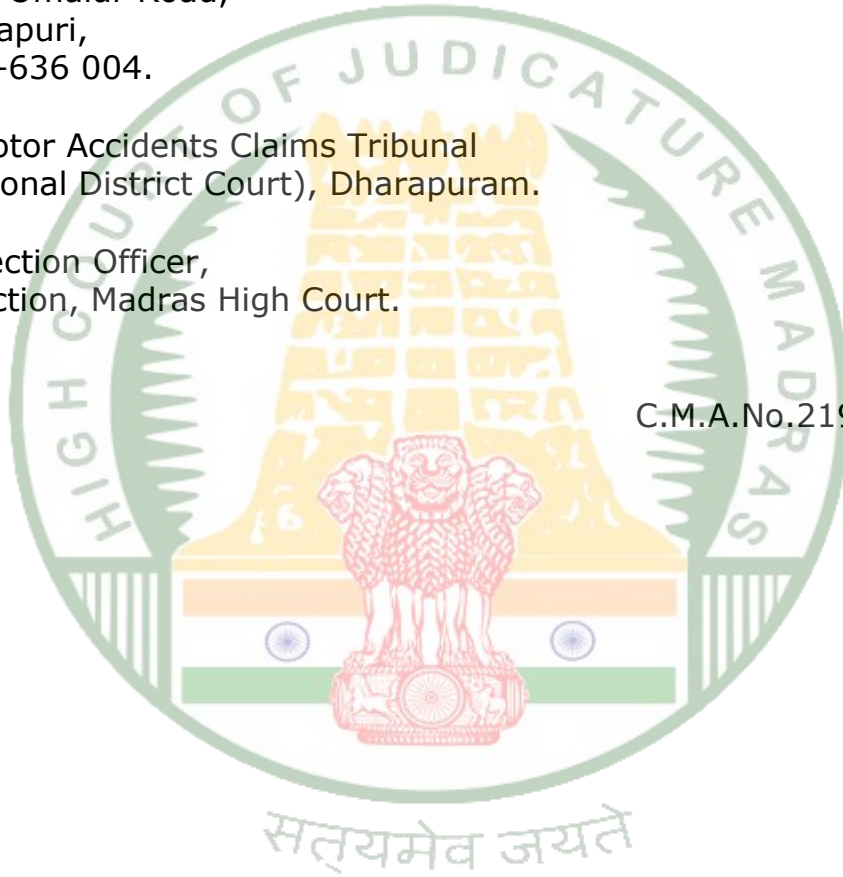
R.MAHADEVAN, J.

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To

- 1.The National Insurance Co.Ltd.,
Marutham Complex,
F 215, Omalur Road,
Swarnapuri,
Salem-636 004.
- 2.The Motor Accidents Claims Tribunal
(Additional District Court), Dharapuram.
- 3.The Section Officer,
VR Section, Madras High Court.

C.M.A.No.2196 of 2002



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