

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2019

CORAM:

THE HON'BLE MR.JUSTICE R.MAHADEVAN

CIVIL MISCELLANEOUS APPEAL NO.1414 OF 2003

Divisional Manager,
United India Insurance Co. Ltd.,
Hosur

... Appellant/2nd Respondent

...Vs...

1. Sivalingam
2. Suresh

(R-2 remained exparte before the Tribunal)

... Respondents/Petitioner/
1st Respondent

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree, dated 23.08.1999 made in MACTOP No.67 of 1997 on the file of the Motor Accident Claims Tribunal, Additional Special Court, Krishnagiri.

For Appellant : Mr.M.Vijayaraghavan

J U D G M E N T

As against the claim made for a sum of Rs.15,000/- by the injured/claimant, the Tribunal has passed an award for a sum of Rs.7,000/-. Challenging the same, the Insurance Company has filed this Appeal.

2. The main contention raised by the learned counsel for the appellant / Insurance Company is that, for the simple injury sustained over the left chest by the claimant, the compensation of Rs.7,000/- is exorbitant and the award itself is unwarranted.

3. A perusal of the award passed by the Tribunal would go to show that the claimant has suffered injury over the left chest in respect of which he is stated to have taken treatment at Government Hospital, Krishnagiri. The Tribunal has also taken into consideration the evidence adduced by P.W.2-injured and the wound certificate, which has been marked as Ex.A-5.

4. From the materials placed before the Tribunal, it has chosen to award a sum of Rs.7,000/-, without any break up details. Had there been break up details, it would have been helpful for this Court to find out the justifiability of the award.

5. However, the fact remains that the accident had taken place in the year 1994. After a period of two decades and more, it may not be proper to interfere with the quantum of compensation of Rs.7,000/-, especially, when the prices have escalated manifold and there is reduction in the value of money. Having regard to the lapse of time, this Court is not in a position to interfere with the quantum of compensation awarded.

6. In view of the above, the Appeal has no merits and therefore, this Civil Miscellaneous Appeal is dismissed.

7. The appellant/Insurance Company is directed to deposit the compensation amount, as awarded by the Tribunal, along with interests and costs, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit being made, the Tribunal shall transfer the amount to the Savings Bank Account of the injured / claimant, forthwith. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

srk

To

1. Motor Accident Claims Tribunal,
Additional Special Court, Krishnagiri.

Copy To

The Section Officer,
V.R.Section, High Court, Madras

+1cc to Mr.M.B.Gopalan, Advocate, S.R.No.46495

C.M.A.No.1414 of 2003

NMI (CO)
CS/21/10/2019
CS/25/11/2019