

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2019

CORAM

THE HON'BLE MR. JUSTICE R.MAHADEVAN

Civil Miscellaneous Appeal No.2478 of 2003

P.Suresh

... Appellant/Claimant

..vs..

1. M.Balasubramaniam

2. K.A.Selvaraj

3. United India Insurance Company Ltd.,
Tiruppur. ... Respondents/Respondents

Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Award, dated 10.10.2002 made in M.C.O.P.No.921 of 1996 on the file of the Motor Accident Claims Tribunal, Fast Track Court No.IV, Coimbatore at Tiruppur.

For Appellant : M/s.P.T.Ramadevi

J U D G M E N T

This Civil Miscellaneous Appeal has been filed by the Claimant, challenging the quantum of compensation awarded by the Claims Tribunal.

2.The facts of the case are that on 13.08.1995 at about 00.30 hours, the appellant/claimant and others, were proceeding in the van bearing Reg.No.TAP-2223 on the Dindigul - Madurai Road. When it reached near Nagaiyagoundenpatti Pirivu, due to the rash and negligent driving of the driver of the van, it dashed against a lorry bearing Reg.No.AP-13-T-6576 parked on the road side. Due to the said impact, the claimant and others sustained grievous injuries all over the body. The claimant filed a claim petition before the Tribunal claiming a sum of Rs.4,00,000/- against which, the Tribunal, considering the materials and evidence available on record, awarded a sum of Rs.25,600/- as total compensation.

3.Challenging the same, the claimant has filed this appeal

for enhancement of compensation.

4. Though this appeal was admitted way back in the year 2003, the appellant has not taken proper steps to serve notice on the respondents even at this length of time.

5. The learned counsel for the appellant, at the outset, has submitted that in spite of best efforts taken, there are no instructions from her client. The said submission is taken on record and the appeal is taken up for disposal on merits.

6. A perusal of the award passed by the Tribunal would go to show that the Tribunal has analysed the nexus between the manner in which the accident took place and the involvement of vehicles, the eye-witness account and the corroboration between the eye-witness account and the First Information Report, while coming to the conclusion that the accident had occurred only due to the rash and negligent driving of the driver of the van. The reasons rendered by the Tribunal are also based on examination and cross-examination of witnesses and the documents available on record.

7. With regard to quantum of compensation, the Tribunal, after analysing the oral and documentary evidence adduced by the appellant/claimant in a threadbare manner, has determined the total compensation at Rs.25,600/-. Further, the appellant/claimant has failed to adduce reliable and concrete evidence to substantiate his claim. Hence, this Court is not inclined to interfere with the quantum so arrived at by the Tribunal.

8. In such view of the matter, affirming the award passed by the Tribunal, this Civil Miscellaneous Appeal stands dismissed. No costs. The Third Respondent Insurance Company is directed to deposit the award amount with interest and costs, as ordered by the Tribunal, after deducting the amount if any already deposited, within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit being made, the appellant / claimant is permitted to withdraw the same on making proper application before the Tribunal.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

arb/srk

To

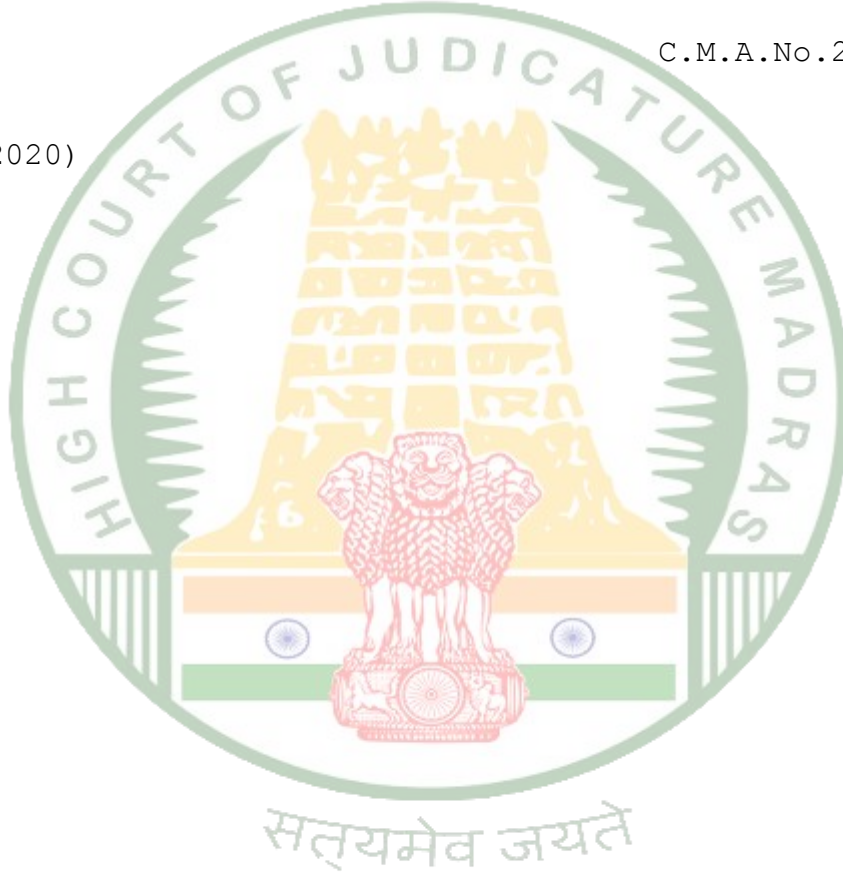
1.The Motor Accident Claims Tribunal,
Fast Track Court No.IV,
Coimbatore, Tiruppur.

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

+1cc to Mr.P.T.Ramadevi, Advocate, S.R.No.61606

C.M.A.No.2478 of 2003

TM(CO)
GN(27/08/2020)



WEB COPY