

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2019

CORAM:

THE HON'BLE Mr. JUSTICE R.MAHADEVAN

Civil Miscellaneous Appeal No.1467 of 2006

Elamaran

... Appellant / Petitioner

..vs..

1. S.Shankar

2. Oriental Insurance Company Limited,
Rep. by its Branch Manager,
Lodge President Complex,
33-C-10 Thanjavur Road, Thiruvarur

... Respondents / Respondents

Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award and decree, dated 05.04.2004 made in M.C.O.P.No.262 of 2003 on the file of the Motor Accident Claims Tribunal, (Principal Sub Court), Nagapattinam.

For Appellant : Ms. T.P.Kuil Mozhi.

For Respondents : Ms. R.Sreevidhya, for R-2.
No appearance for R1

J U D G M E N T

As against the claim made for a sum of Rs.3 lakhs, the Tribunal has passed an award for a sum of Rs.26,000/-. Branding the award as disproportionate to the injuries sustained, the claimant / appellant has filed this Civil Miscellaneous Appeal.

2. On 20.09.2002, the appellant went as pillion rider in the moped bearing Registration No.KA03-K-7708. The said moped was driven by one Kamalakkannan by observing Traffic Rules. At that time, a mini bus bearing Registration No.TN31-9599, which came in a rash and negligent manner, dashed against the moped, in which the appellant sustained grievous injuries. Immediately after the accident the appellant was taken to hospital, where he was admitted as an inpatient and taken treatment for couple of weeks. Stating that the accident had happened due to the rash and negligent driving of the driver of the Mini Bus, the

appellant, as claimant, has filed a petition for compensation for the said sum. As against the said claim, the Tribunal has awarded a sum of Rs.26,000/- as total compensation. Against which, the claimant, as appellant, has filed the Appeal.

3. The learned counsel for the claimant / appellant submitted that the claimant is challenging only the quantum of compensation awarded and not the negligence aspect.

4. A perusal of the award of the Tribunal would go to show that though it had taken note of the evidence of Doctor with regard to disability suffered by the claimant, citing the reason that no document with regard to the same has been filed by the claimant and the document produced by the claimant only shows that the claimant had suffered only minor injury, disbelieved the version of P.W.2-Doctor and has not granted any compensation under the head of disablement.

5. This Court is of the opinion that the said reasoning of the Tribunal is based on discharge summary and certificate and hence, no interference is required. Further, the compensation awarded under other heads by the Tribunal are also reasonable, weight of evidence and based on settled principles and therefore, there is no ground to interfere with the judgment passed by the Tribunal below. The compensation awarded by the Tribunal is just, fair and reasonable.

6. In the result, this Civil Miscellaneous Appeal is dismissed. No costs. The R-2 / Insurance Company shall deposit the entire compensation amount, along with interests and costs, as awarded by the Claims Tribunal, 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 is directed to transfer the deposited amount to the Savings Bank Account of the claimant / injured / appellant herein through RTGS within one week thereafter. Consequently, the connected MP is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

srk

To

1. Motor Accident Claims Tribunal,
Principal Sub Court,
Cuddalore.

copy to: The Section Officer,
VR Section, High Court, Madras.

+1 cc to Ms.R.Sree vidhya, Advocate, S.R.No.51642

C.M.A.No.1467 of 2006

VG-I (CO)
SSM(24/10/2019).



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