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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2019

CORAM:

THE HON'BLE Mr. JUSTICE R.MAHADEVAN

Civil Miscellaneous Appeal No.2353 of 2007
& M.P.No.1 of 2007

United India Insurance Company Ltd.,
Cuddalore, New Town. ... Appellant/2nd Respondent

..vs..

1. Dhanasekaran ...1st Respondent/Claimant
2. R.Valli ... 2nd Respondent/1st Respondent

Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award and decree, dated 28.03.2007 made in M.C.O.P.No.313 of 2006 on the file of the Motor Accident Claims Tribunal (Additional Sub Court), Cuddalore.

For Appellant : Mr. D.Bhaskaran
For Respondents : Mr.N.Damodaran for R1
: No Appearance for R2

J U D G M E N T

This Civil Miscellaneous Appeal is directed against the award dated 28.03.2007 passed by the Motor Accident Claims Tribunal (Additional Sub Court), Cuddalore in M.C.O.P.No.313 of 2006.

2. Brief facts, which are necessary for the disposal of the Appeal, are as follows

On 13.10.2004 at about 5.00 pm, the first respondent herein was travelling as a pillion rider in a motor cycle and while travelling near one Subramania Gounder's land, the second respondent's lorry bearing Regn.No.TM-31-D-6468 insured with the appellant insurance company driven by its driver in a rash and negligent manner, dashed against the first respondent herein. Due to the said accident, the first respondent herein sustained grievous injuries and multiple injuries all over his body. Immediately, he was taken to Government Head Quarters Hospital, Cuddalore, wherein, he was given first aid treatment. Thereafter he was taken treatment as in-patient at Pondicherry and then in



3. The Tribunal, based on the materials available on record, has fixed the negligence on the part of the driver of the lorry and quantified the compensation at Rs.5,61,000/- payable with interest at 7.5% per annum. Aggrieved against the same, the insurance company has filed this appeal.

5. The learned counsel for the first respondent / claimant contended that the award passed by the Claims Tribunal is perfectly valid and does not require interference of this Court.

7. That apart, the Tribunal has also taken into consideration the compensation amount under other heads, such as Shock, Pain and Suffering at Rs.30,000/-, Extra Nourishment at Rs.20,000/-, Transport Expenses at Rs.10,000/- and quantified the total compensation at Rs.5,61,000/-. This Court is of the considered view that the amount awarded each and every heads by the Tribunal are based on weightage of evidence, settled principles of law and on convention basis, which do not require any interference at the hands of this Court.

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Expenses. Even if amounts are awarded under these counts, the amount awarded by the Tribunal is not excessive, infact it is low.

9. In such view of the matter, affirming the award of the Tribunal, this Civil Miscellaneous Appeal stands dismissed. No Costs.

10. At this juncture, the learned counsel for the appellant submitted that the entire compensation amount as awarded by the Claims Tribunal has already been deposited by the Insurance Company.

11. In view of the said submission, the Tribunal shall transfer the amount lying in the deposit to the credit of MCOP.No.313 of 2006, along with accrued interest thereon, to the Savings Bank Account of the first respondent herein through RTGS forthwith. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS V)

True Copy

Sub-Assistant Registrar

srk / vv
To

1.The Additional Subordinate Court
Motor Accident Claims Tribunal
Cuddalore

2.The Section Officer, V.R.Section,
Madras High Court, Chennai 104

+1 CC to Mr.D. Bhaskaran, Advocate sr 55290.
+1 CC to Mr.N.Damodaran, Advocate sr 54052.

C.M.A.No.2353 of 2007
& MP No.1 of 2007

TM(CO)
SP(20/11/2019)