

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 15.02.2019

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.M.A. No.2526 of 2006
and M.P.No.1 of 2006

The United India Insurance
Company Limited.,
Cuddalore.

... Appellant/2nd Respondent

Versus

1. Kumaravel ... 1st Respondent/Petitioner
2. Jayachandran ... 2nd Respondent/3rd Respondent
3. Swaroopsundar ... 3rd Respondents/4th Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the award and Decree made in M.C.O.P.No.1698 of 2004 dated 28.02.2006, on the file of the Motor Accidents Claims Tribunal /Principal Sub Judge, Cuddalore.

For Appellant :Mr.S.J.Jagadev

For Respondents : No appearance

J U D G M E N T

Challenging the negligence as well as the quantum of compensation awarded by the Claims Tribunal in MCOP No.1698 of 2004 dated 28.02.2006, the appellant/Insurance Company preferred this Civil Miscellaneous Appeal.

2. On 25.05.2004 at about 5.00 a.m when the first respondent was traveling in a bus bearing Registration No.TN 31 M 1162 as a passenger, near Cuddalore O.T. near Wooden Bridge, the driver of the bus drove the same in a rash and negligent manner and dashed against the Tracktor bearing Registration No. TN 31 A 5164 in the opposite direction. Out of the said accident, the first respondent sustained grievous injuries all over the body. Hence, the first respondent has filed a petition in M.C.O.P.No.1698 of 2004 before the Motor Accidents Claims Tribunal /Principal Sub Judge, Cuddalore, claiming a sum of Rs.5,00,000/- towards compensation. The Claims Tribunal, on a consideration of oral and documentary evidence, awarded a sum of

Rs.2,15,000/- payable with interest at the rate of 7.5% per annum.

3. Challenging the amount ordered by the Tribunal as excessive and disproportionate, the appellant/Insurance Company is before this Court by way of filing this Civil Miscellaneous Appeal.

4. Heard the learned counsel for the appellant and perused the materials available on record.

5. As far as the award of compensation is concerned, this Court is inclined the same need not be disturbed, as the Tribunal has applied its mind and awarded compensation properly, which do not warrant interference by this Court.

6. Upon perusing the entire award of the Tribunal, it is seen that the Tribunal entered into its findings based on oral and documentary evidence before it and has awarded a just and fair compensation, which need not be interfered with by this Court in this appeal filed by the appellant, and the quantum of compensation assessed by the Tribunal, cannot be said to be improper.

7. In the above circumstances, this Court need not inclined to interfere with the award passed by the Tribunal. Therefore, the appeal is liable to be dismissed.

8. In the result,

a) This Civil Miscellaneous Appeal is dismissed on merits by confirming the award passed by the Tribunal in M.C.O.P.No.1698 of 2004 dated 28.02.2006, on the file of the Motor Accidents Claims Tribunal / Principal Sub Judge, Cuddalore.

b) The appellant is directed to deposit the amount as determined by the Tribunal together with interest at 7.5% per annum, after adjusting amount, if any, already deposited within a period of eight weeks from the date of copy of this Judgement.

c) On such deposit, the first respondent / claimant is permitted to withdraw the said amount with accrued interest, less the amount if any, already withdrawn on filing appropriate application before the Tribunal.

Consequently connected Miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

vum

To.
The Motor Accidents Claims Tribunal/
The Principal Sub Judge,
Cuddalore.

C.M.A. No.2526 of 2006
and M.P.No.1 of 2006

PM(CO)
GMY(23/05/2019)



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