

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2019

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.M.A. No.3047 of 2006 and

C.M.P.No.1 of 2006

The Royal Sundaram Alliance Insurance
Co.Ltd., No.46, whites Road,
Chennai-600 014. Appellant/2nd Respondent

Versus

1.Krishnan ..Respondent/Petitioner

2.Velmurugan Respondent/1st Respondent

Prayer: This Appeal is filed under Section 173 of Motor
Vehicles Act,1988 against the Judgment and Decree in
M.C.O.P.No.1654 of 2004, dated 20.04.2006, on the file of the
Motor Accident Claims Tribunal, Principal Sub Judge, Cuddalore.

For Appellant :Mr.N. Vijayraghavan

For Respondents : R1- Nor Ready Notice
No Appearance
R2- Exparte

J U D G M E N T

This appeal has been filed against the Judgment and Decree
in M.C.O.P.No.1654 of 2004, dated 20.04.2006, on the file of the
Motor Accident Claims Tribunal, Principal Sub Judge, Cuddalore.

2. On 29.03.2003 at about 2.00 p.m when the first respondent
herein was walking in Kumbakonam Main Road, a motor cycle
bearing Registration No.T-N-31-E-241 came in the opposite
direction at a very high speed and dashed him. The accident
occurred due to the negligent act of the rider of the motor
cycle. In the result the first respondent herein sustained
injuries, hence he filed M.C.O.P.No.1654 of 2004 on the file of
the Motor Accidents Claims Tribunal(Subordinate Judge) at
Dharapuram Principal Sub Judge, Cuddalore, seeking compensation

for a sum of Rs.5,00,000/-. The Tribunal, on a consideration of oral and documentary evidence, has awarded a sum of Rs.2,70,800/- payable with interest at the rate of 7.5% per annum.

3. Challenging the same as excessive and disproportionate, the appellant has filed this appeal.

4. Heard the arguments of the learned counsel for the appellant. Even though notice was served to the respondents there is no representation on their behalf.

5. As far as the award of compensation is concerned, 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 and the quantum of compensation assessed by the Tribunal, cannot be said to be improper. Since, the Tribunal has applied its mind properly and granted the award with the correct head which is well considered order.

7. In the result,

(a) this appeal is dismissed and the Judgment and Decree dated 20.04.2006,, in M.C.O.P.No.1654 of 2004, on the file of Motor Accident Claims Tribunal, Principal Subordinate Judge, Cuddalore is confirmed.

(b) the appellant/Insurance Company is directed to deposit the amount as directed by the Tribunal, less the amount, if any, already deposited, with interest at the rate of 7.5% within a period of 8 weeks from the date of receipt of copy of this Judgment.

(c) On such deposit the claimant is permitted to withdraw the amount, by way of filing proper application before the Tribunal.

(d) There will be no order as to costs.

(e) Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

To.

The Motor Accident Claims Tribunal
Principal Sub Judge, Cuddalore.

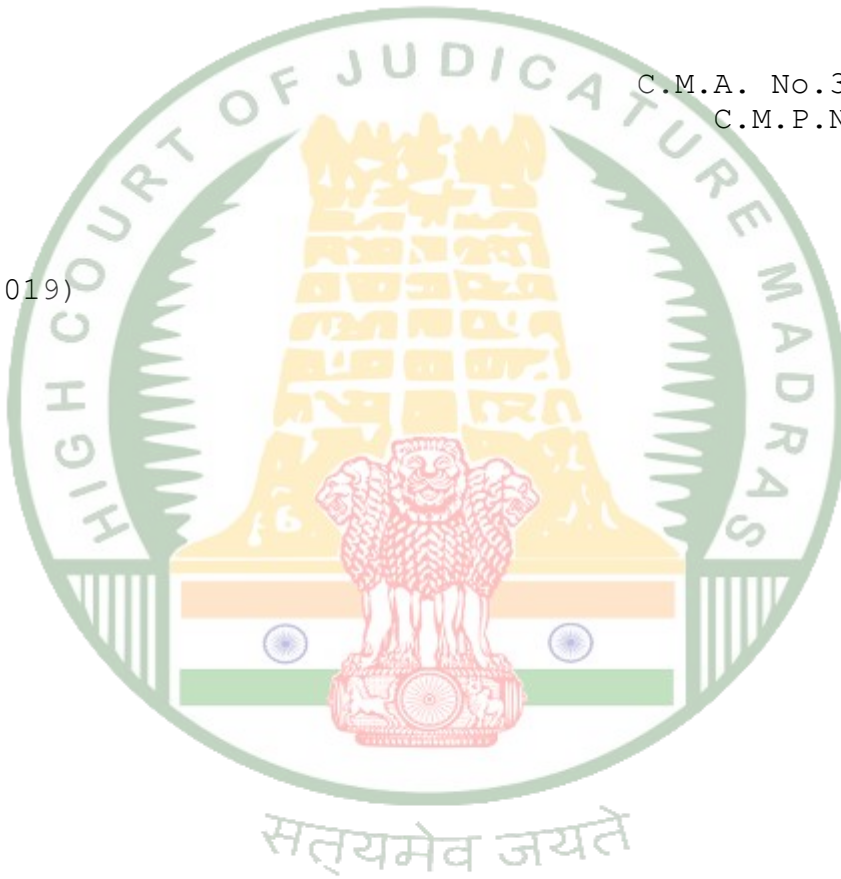
Copy to

The Section officer
VR Section, High Court, Madras 104.

+1 CC to Mr.N.Vijayaraghavan, Advocate sr 16707.

C.M.A. No.3047 of 2006
C.M.P.No.1 of 2006

CA (CO)
SP (30/05/2019)



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