

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2019

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.M.A. No.3580 of 2006 and

M.P.No.1 of 2006

United India Insurance Company
Limited, Pallivasal Street,
Perambalur.

... Appellant/2nd Respondent

Versus

1.Chinnapillai

... 1 and 2nd Respondents/Petitioners

2.Sivakami

3.T. Subramaniyan

... 3rd Respondent/1st Respondent

Prayer: This Appeal is filed under Section 173 of Motor Vehicles Act, against the Judgment and Decree dated 29.04.2005 made in O.P.No.49 of 2003 on the file of Motor Accident Claims Tribunal(District Judge) at Perambalur.

For Appellant

:Mr.D. Bhaskaran

For Respondents 1 & 2

:Mr.R. Nalliyappan

R3

:Exparte

J U D G M E N T

This appeal has been filed against the Judgment and Decree dated 29.4.2005 made in M.C.O.P.No.49 of 2003 on the file of the Motor Accident Claims Tribunal (District Judge) at Perambalur.

2. On 28.05.2002 at about 19.45 hours, when the deceased Govindan alias Govindasamy and another person was proceeding in a bike at Perambalur Athur main road, a tractor bearing Registration No.TN-45-Y-4010 belonging to the third respondent

herein came in the opposite direction and dashed the bike of the deceased. In the result the deceased fell down and sustained multiple and grievous injuries and died on the spot itself. The accident occurred only due to the rash and negligent act of the driver. Therefore, the first respondent, son of the deceased and the second respondent, wife of the deceased filed M.C.O.P.No.49 of 2003 on the file of the Motor Accident Claims Tribunal (District Judge) at Perambalur. seeking compensation for a sum of Rs.7,00,000/-. The Tribunal, on a consideration of oral and documentary evidence, has awarded a sum of Rs.2,74,500/- 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 counsel for the appellant and perused the materials available on record. Though notice was ordered to the respondents, the same is yet to be completed for service.

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 29.04.2005, in M.C.O.P.No.49 of 2003, on the file of Motor Accident Claims Tribunal (District Judge) at Perambalur, is hereby 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 first and second respondent herein are permitted to withdraw the award amount, by way of filing proper application before the Tribunal.

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

(f) Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To.

The Motor Accident Claims Tribunal,
District Judge, Perambalur

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

+1cc to M/s.D.Bhaskaran, Advocate sr.14501

+1cc to M/s.R.Nalliyappan, Advocate sr.14769

C.M.A. No.3580 of 2006
M.P.No.1 of 2006

cp(co)
nr 30/05/2019

सत्यमेव जयते

WEB COPY