

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

C.M.A.No.4022 of 2005
and C.M.P.No.19705 of 2005

M/s.Oriental Insurance Co. Ltd.,
Regional Office
No.8, Esplanade Road,
U.I.L.Buildings, Chennai - 108. ... Appellant/2nd Respondent

Vs

1.V.Sundaravalli ...1st Respondent/Claimant

2.M.Rajini ...2nd Respondent/1st respondent

Appeal filed under Section 173 of the Motor Vehicles Act against the judgment and decree dated 17.06.2005 made in MCOP No.1911 of 2003 on the file of the Motor Accidents Claims Tribunal, (II Small Causes Court, Chennai).

For Appellant : Mr.S.Janarthanam

For R1 : M/s.C & K Law Firm

For R2 : NA

JUDGMENT

This appeal is preferred by the Insurance Company against the award of a sum of Rs.1,30,340/- towards compensation to the first respondent, for the injuries suffered by her in a motor vehicle accident.

2.The case in brief, is as follows:

On the fateful day, ie. on 06.04.2003 at about 20.30 hours, the first respondent was crossing the road in Anna Salai. At that time, a Maruthi van bearing Reg.No.TN-22-D-0190 came in a rash and negligent manner and dashed against her. Due to the

said impact, she was thrown away and sustained grievous injuries. The first respondent filed a claim petition before the Tribunal. On consideration of the materials and evidence available on record, the Tribunal arrived at the total compensation at Rs.1,30,340/- with interest at the rate of 9% p.a., from the date of petition.

3.Challenging the same, the appellant Insurance Company has filed the present Civil Miscellaneous Appeal.

4.The learned counsel for the appellant has submitted that the Tribunal has erred in fastening the negligence on the driver of the Maruti van. It is also submitted that the compensation awarded by the Tribunal is excessive and exorbitant.

5.The learned counsel for the first respondent / claimant has submitted that the compensation awarded by the Tribunal is just, fair and reasonable and hence the same does not require any interference in the hands of this Court.

6.Heard the learned counsel on either side and perused the materials available on record carefully and meticulously.

7.As per Ex.P1-Discharge Summary given by the hospital, on 06.04.2003 itself the injured took treatment in the Government Royapettah Hospital as in-patient. As per Ex.P6-First Information Report, it is seen that a case has been filed in Cr.No.142/2003 without any delay, before the J3 Guindy Traffic Investigation Wing. Considering the materials and evidence available on record the Tribunal came to conclusion that only the driver of the Maruti van was negligent in causing the accident. This Court is not inclined to interfere with the said finding. As regards compensation, the Tribunal has awarded a sum of Rs.2,000/- towards transport to hospital, Rs.15,000/- towards extra nourishment, Rs.500/- towards damages to clothes, Rs.12,840/- towards medical expenses, Rs.5,000/- towards mental agony, Rs.20,000/- towards pain and suffering, Rs.15,000/- towards loss of earning during the treatment period and Rs.60,000/- towards permanent disability in respect of 40% disability. The amounts awarded by the Tribunal under the above heads are just and reasonable and hence the same are hereby confirmed.

8.In the result, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the connected miscellaneous petition is closed. The appellant Insurance Company is directed to deposit the award amount as ordered by the Tribunal with interest, after deducting the amount if any already deposited, within a period of six weeks from the date of receipt of a copy

of this judgment. On such deposit, the first respondent / claimant is permitted to withdraw the same, on making proper application before the Tribunal.

Sd/-
Assistant Registrar
(Spl Cell-Retd Judges)

//True Copy//

Sub Assistant Registrar

KM / mtl

To

1.The II Judge,
The Motor Accidents Claims Tribunal
II Judge, Small Causes Court, Chennai.

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

+lcc to Mr.S.Janarthanam, Advocate SR.47937

+lcc to Mr.C.Munusamy, Advocate SR.47983

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BR(CO)
CB(05/02/2020)