

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2019

CORAM:

THE HONOURABLE Mr.JUSTICE RMT.TEEKAA RAMAN

C.M.A.Nos.1143 of 2011
and
M.P.No.1 of 2011

The New India Assurance Company Ltd.,
Third Party Claim Office, 5th Floor,
Moore Street,
Chennai.
.. Appellant/2nd Respondent

Vs.

1.Aruldoss
2.R.Babu
(second respondent set exparte in the lower
Court. Hence, notice is dispensed with)
... Respondents/Petitioner,
1st Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of
the Motor Vehicles Act, 1988 against the Judgment and Decree
dated 21.01.2010 passed in M.C.O.P.No.3 of 2007 on the file of
the Motor Accident Claims Tribunal Court, Ponneri.

For Appellant : Mr.R.Sivakumar

For R1 : Not ready in notice

For R2 : Given up

JUDGMENT

The 2nd respondent before the Tribunal, is the
appellant herein.

2. This Civil Miscellaneous Appeal has been filed
against the order and Decree dated 21.01.2010 made in
M.C.O.P.No.3 of 2007 on the file of the Motor Accident Claims
Tribunal, Ponneri.

3. After hearing the learned counsel for the appellant-Insurance Company and also the claimant and taking note of the evidence of P.W.2 Doctor Thiagarajan coupled with Exhibit P5 Wound Certificate, Exhibit P4 Discharge Summary and Exhibit P7 Disability Certificate issued by P.W.2, the Trial Court has rightly come to the conclusion and fixed the disability at 45% and also taking note of the date of the accident being 12.09.2006, the Tribunal has awarded Rs.1500/- per one percent of disability and accordingly, calculated Rs.60,000/- and on the other head namely, 'loss of future earning capacity' the Tribunal granted Rs.7,300/-. Hence, this Court is of the considered view that the award is just and reasonable and cannot be termed as excessive.

4. In view of above findings, this Civil Miscellaneous Appeal is dismissed. The Insurance Company has submitted that the entire amount has already been deposited. It is open to the claimant to file petition before the Tribunal for withdrawal of the compensation amount. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

nvi

To

1. The Motor Accident Claims Tribunal Judge,
The Motor Accident Claims Tribunal Court, Ponneri.
2. The Section Officer, सत्यमेव जयते
V.R.Section, High Court, Madras.

+1 cc to Mr.R.Siva Kumar, Advocate Sr.No.12635

C.M.A.Nos.1143 of 2011 and
M.P.No.1 of 2011

CSL/08.04.2019