

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 06.03.2019

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.M.A. No.1409 of 2010

and

M.P.No.1 of 2010

The New India Assurance Co. Ltd.,
Represented by its Branch Manager,
No.92, G.V. Chetti Road, T.Nagar,
Chennai - 17. ... Appellant / 2nd Respondent

Versus

1. C. Ramachandran ... 1st Respondent / Petitioner

2. N. Kannan ... 2nd Respondent / 1st Respondent

Prayer: This Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree made in M.A.C.T.O.P.No. 652 of 2004 on the file of the Motor Accidents Claims Tribunal (Additional District Judge) at Dharmapuri dated 27.05.2009.

For Appellant :Mr.M. Krishnamoorthy

J U D G M E N T

This appeal has been filed against the Judgment and Decree made in M.A.C.T.O.P.No. 652 of 2004 on the file of the Motor Accidents Claims Tribunal (Additional District Judge) at Dharmapuri dated 27.05.2009.

2. On 01.06.2004 at about 8.00 a.m when the first respondent herein was travelling in a van bearing Registration No. 29-F-7771, a lorry came in the opposite direction and dashed the van. In the result the first respondent herein sustained grievous injuries. The accident occurred due to the negligent attitude of the driver of the van. Hence, the first respondent herein filed M.C.O.P.No. 652 of 2004 on the file of the Motor Accidents Claims Tribunal (Additional District Judge) at Dharmapuri, seeking compensation for a sum of Rs.80,000/-. The Tribunal, on a consideration of oral and documentary evidence, has awarded a sum of Rs.10,000/- 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. The learned counsel for the appellant/Insurance Company stated that the entire award amount has already been deposited by them.

5. 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.

6. 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.

7. 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 is applied its mind properly and granted the award with the correct head which is well considered order.

8. In the result,

(a) this appeal is dismissed and the Judgment and Decree dated 27.05.2009 made in M.C.O.P.No. 652 of 2004, on the file of Motor Vehicles Accidents Claims Tribunal, Additional District Judge, Dharmapuri is hereby confirmed.

(b) As the amount has been already deposited, the first respondent is permitted to withdraw the amount by way of filing proper application before the Tribunal.

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

(d) Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

smn

To.

- 1) The Motor Vehicles Accidents Claims Tribunal,
First Additional Subordinate Judge,
Udumalpet.

+1 cc to M/s.M.Krishnamoorthy, Advocate, S.R.No.20806

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SJ(CO)
SSM(13/06/2019)



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