

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2019

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.M.A. No.1408 of 2009

and

M.P.No.1 of 2010

M/s United Insurance Company Ltd.,  
No.22, Syymaladevi Koil Street,  
Pandaladi, Mannargudi Town & Munisif.

... Appellant/2<sup>nd</sup> Respondent

Versus

1. Moses, S/o.Duraisamy

2. Nicholes, S/o.Duraisamy

3. Alphonesmarry, W/o.Pushpanathan

4. D. Periyanakasamy, S/o.Duraisamy

5. Adaikala Marry, W/o.Joseph ... Respondents/ Petitioners

6. P.Thangaarasu, S/o.Pitchaiaian ...Respondent/ 1<sup>st</sup> Respondent

Prayer: This Appeal is filed under Section 173 of Motor Vehicles Act, against the Judgment and Decree dated 08.09.2008 made in O.P.No. 190 of 2007 on the file of the Motor Accident Claims Tribunal (Subordinate Judge) at Manargudi.

For Appellant : Mr.D.Bhaskaran

For Respondents : No Appearance

J U D G M E N T

This appeal has been filed challenging the quantum of compensation awarded by the Claims Tribunal, in O.P.No. 190 of 2007 on the file of the Motor Accident Claims Tribunal (Subordinate Judge) at Manargudi.

2. On 02.02.2006 at about 9:30 p.m, when the deceased Duraisamy, who is the father of the respondents 1 to 5 herein

was walking in Aidamaliyur Road, a Motor Cycle bearing Registration No. TN-50-Z-2764 belonging to the 6th respondent herein, came at a very high speed and dashed the deceased. In the result, the deceased Duraisamy sustained grievous injuries and died on the spot itself. Hence, the respondents 1 to 5 have filed M.C.O.P.No. 190 of 2007 on the file of the Motor Accident Claims Tribunal, (Subordinate Judge) at Manargudi seeking compensation for a sum of Rs.6,00,000/-. The Tribunal, on a consideration of oral and documentary evidence, has awarded a sum of Rs.1,95,100/- 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 and 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 is 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 of the M.C.O.P. No. 190 of 2007 on the file of the Motor Accident Claims Tribunal, Sub Ordinate Judge, Mannargudi is hereby confirmed.

(b) the appellant/Insurance company is directed to deposit amount as awarded by the Tribunal with the interest at the rate of 7.5% within a period of 8 weeks from the date of receipt of copy of this order.

(c) On such deposit the respondents 1 to 5 are permitted to withdraw and disburse the amount as per the directions of the Tribunal, 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.

smn

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Motor Accident Claims Tribunal  
Subordinate Judge, Mannargudi.

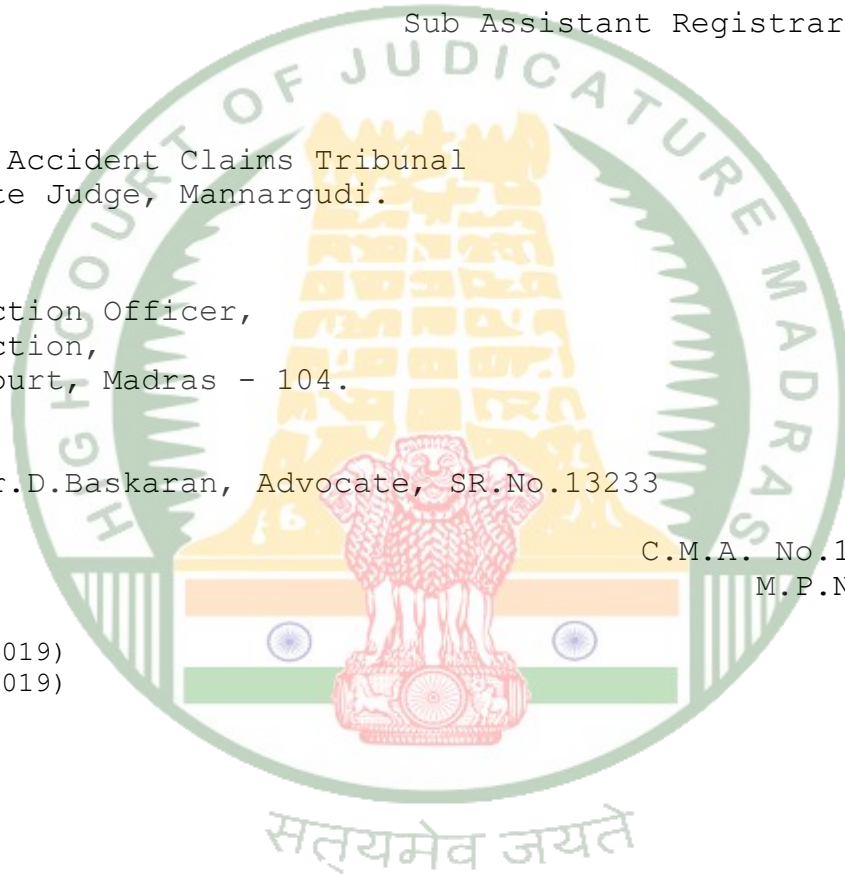
Copy to:-

The Section Officer,  
V.R.Section,  
High Court, Madras - 104.

+1cc to Mr.D.Baskaran, Advocate, SR.No.13233

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Kak(22/08/2019)  
Kak(18/11/2019)



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