

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 07.02.2019

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.M.A. No.1649 of 2010

United India Insurance Company Ltd.,
50-A, Pallivasal Street,
Perambalur Appellant/2nd Respondent

Versus

1. Selvakumar
2. R.Ramanathan Ist Respondents/Respondent

Prayer: This Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree dated 24.04.2008 made in M.C.O.P.No.614 of 2005 on the file of the Motor Accident claims Tribunal (Additional District Judge) Fast Track Court at Ariyalur.

For Appellant : Mr.D. Bhaskaran
For Respondent - 2 : Ex-parte

J U D G M E N T

This appeal has been filed challenging the Judgment and Decree dated 24.04.2008 made in M.C.O.P.No.614 of 2005 on the file of the Motor Accident claims Tribunal (Additional District Judge) Fast Track Court at Ariyalur.

2. The accident occurred on 24.04.2008 at about 10:30 a.m while the first respondent herein was travelling in a auto bearing Registration No.T-N-46-5436 from Jayankondam to Kadarankondan near Puduchavadi - Chinnavalayam main road, the auto driver drove the vehicle in a rash and negligent manner, in the result the first respondent herein sustained several injuries. The accident occurred only due to the rash and negligent act of the driver of the auto. Hence, the first

respondent herein has filed M.C.O.P.No.614 of 2005, before the Motor Accident Claims Tribunal, seeking compensation for a sum of Rs.5,00,000/-. The Tribunal, on a consideration of oral and documentary evidence, has awarded a sum of Rs.2,81,280/- payable with interest at the rate of 7.5% per annum.

3. Challenging the same as excessive and disproportionate, the United India Insurance Company Ltd., 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 filed by the United India Insurance Company Ltd., and the quantum of compensation assessed by the Tribunal, cannot be said to be improper. Since, the Tribunal 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, confirming the Decree and Judgment of the claims Tribunal in M.C.O.P.No.614 of 2005, dated 24.04.2008.

(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 respondent/claimant is permitted to withdraw the same on filing proper application before the Tribunal.

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

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

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To.

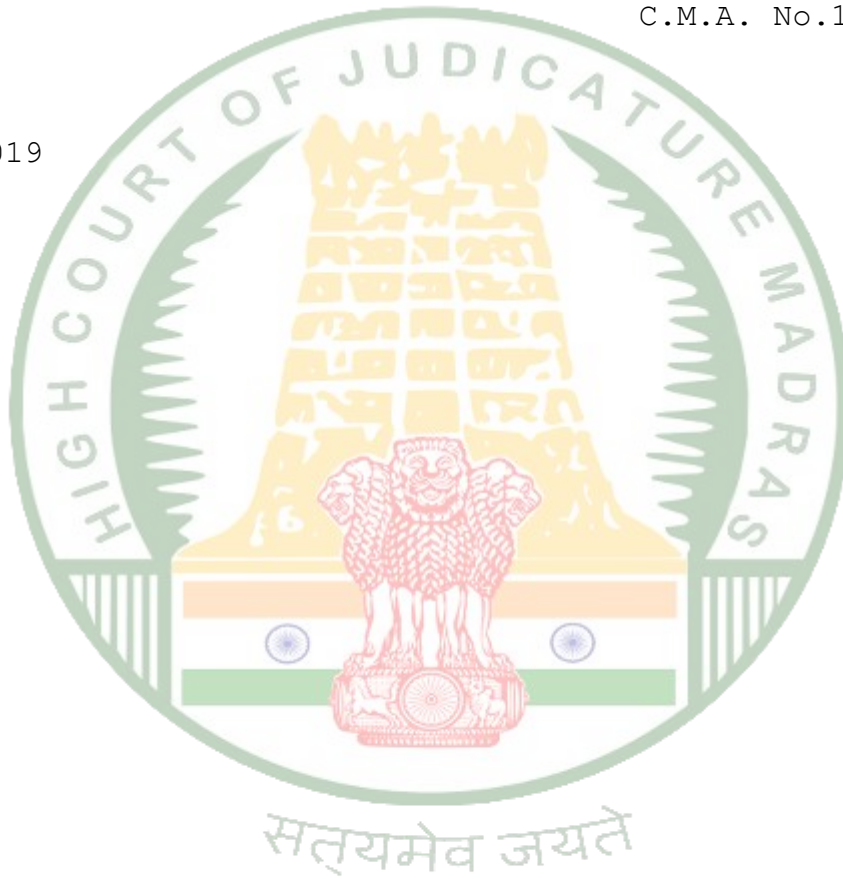
1.The Additional District Judge
Fast Track Court, Ariyalur.

2.The Section Officer
VR Section High Court,
Madras

+lcc to Mr.D.Bhaskaran Advocate sr 10480

C.M.A. No.1649 of 2010

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