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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2019

CORAM:

THE HON'BLE MR.JUSTICE R.MAHADEVAN

C.M.A.No.4071 of 2008 and
M.P.No.1 of 2008

National Insurance Co.Ltd.,
78, TVS Street,
Erode-638 001.

.. Appellant/2nd Respondent

Vs.

1.P.Neelamegam

..1st Respondent/Claimant

2.S.Rajalingam

(2nd respondent exparte in lower Court

Notice may be dispensed with) ..2nd Respondent/1st Respondent

Prayer: Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act, 1988 against the judgment and decree dated 09.08.2008 made in MCOP No.32 of 2003 on the file of the Motor Accident Claims Tribunal, Additional District Judge, Fast Track Court No.2, Salem.

For Appellants : Mr.N.Vijayaraghavan

For R-1 : G.Pugazhenthir

For R-2 : Expatre

J U D G M E N T

This Civil Miscellaneous Appeal is directed against the award dated 09.08.2008, passed in MCOP No.32 of 2003 on the file of the Motor Accidents Claims Tribunal, Additional District Fast Track Court No.2, Salem.

2. As against the claim made for a sum of Rs.5,00,000/-, the Tribunal has awarded a sum of Rs.1,39,270/-. Challenging the same, this Civil Miscellaneous Appeal came to be filed by the Insurance Company.



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3. Heard both sides.

4. The learned counsel for the appellant submitted that the appellant challenges only the findings rendered by the Tribunal on negligence.

5. At this juncture, it is worthwhile to note that a petition in Crl.O.P.No.2046 of 2008 was filed by the Insurance Company / appellant herein, seeking a direction to reinvestigate Crime No.804 of 2002, which involves the accident, in this case. The said Criminal Original Petition came to be dismissed, by an order of this Court, dated 08.03.2017.

6. In such view of the matter, the grounds raised by the appellant herein have no legs to stand. Further, a perusal of the award of the Tribunal would go to show that the quantum was arrived at, based on documents produced and on the witness account and no contra evidence was let in by the appellant herein before the Tribunal.

7. Hence, this Civil Miscellaneous Appeal has to fail and it is dismissed accordingly. No costs. The appellant / Insurance Company shall deposit the entire compensation amount, along with interests and costs, as awarded by the Claims Tribunal, less the amount already deposited, if any, within a period of four weeks, from the date of receipt of a copy of this judgment. On such deposit being made, the Tribunal is directed to transfer the deposited amount to the Savings Bank Account of the claimant / injured / first respondent herein, forthwith, through RTGS. Consequently, connected MP is closed.

Sd/-

Assistant Registrar (CS-CCC)

//True copy//

Sub Assistant Registrar

kv / srk

To

1. The Motor Accident Claims Tribunal,
Additional District Fast Track Court No.2,
Salem.
2. The Section Officer,
V.R. Section
High Court, Madras.



+1cc to Mr.N.Vijayaraghavan, Advocate SR.No.56588

+1cc to Mr.G.Pugazhenthhi, Advocate SR.No.55266

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C.M.A.No.4071 of 2008 and
M.P.No.1 of 2008

KJI (CO)
GMY (15/10/2019)