

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2019

CORAM:

THE HON'BLE Mr. JUSTICE R.MAHADEVAN

Civil Miscellaneous Appeal Nos.4081 and 4082 of 2008
and
M.P.Nos.1 and 1 of 2008
and MP.No. 1 of 2008

CMA No.4081 of 2008:

The Oriental Insurance Co.Ltd
Suba Govindam Buildings,II Floor
Imperial Road
Cuddalore -2

Appellant /2nd Respondent

Vs

1. Pagiyam Ammal

2. N. Manimaran

Respondents / Petitioner and First
respondent in Tribunal below

CMA No.4082 of 2008:

The Oriental Insurance Co.Ltd
Suba Govindam Buildings,II Floor
Imperial Road
Cuddalore -2

Appellant /2nd Respondent in Tribunal below

Vs

1. Rajesh

2. N.Manimaran

Respondents / Petitioner
and first respondent in Tribunal below

Common Prayer: Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicles Act, 1988, against the award and decree, dated 20.01.2006 passed in M.C.O.P.Nos.27 of 2001 & 154 of 2002 on the file of the Motor Accident Claims Tribunal, Subordinate Judge, Panruti.

For Appellant : Mr.M.Krishnamoorthy (for both CMAs)

For Respondents: Mr. K.Moorthy, for R-2.

AS R1 reported dead in Cma.No.4081 of 2008

C O M M O N J U D G M E N T

These Civil Miscellaneous Appeals are directed against the awards passed on 20.01.2006 M.C.O.P.Nos.27 of 2001 & 154 of 2002 by the Claims Tribunal.

2. It is the case of the claimants that they are pedestrians. The liability is disputed on the ground that the driver of the Auto Rickshaw, which involved in the accident, did not own a valid Driving License. The quantum is disputed on the ground that the same does not commensurate with the injuries sustained by the claimants.

3. To appreciate the contentions raised, it is necessary to re-look into the awards passed by the Tribunal.

4. So far as MCOP No.27 of 2001 is concerned, the Tribunal has taken Ex.P.1 First Information Report and Ex.P.4 Insurance Policy stated that no documents contra to that were filed by the appellant herein. Further, the Tribunal has considered the evidence of Doctor and ultimately granted a sum of Rs.88,000/- to the claimant. The other aspects are considered by the Tribunal based on the settled principles of law and probabilities of the case, which in the considered view of this Court, are perfectly valid and justified and the same do not call for any interference.

5. As far as MCOP No.154 of 2002 is concerned, the Tribunal has taken the contents of First Information Report with regard to the manner of accident and fastened the liability on the driver of the Auto, which was insured with the appellant / Insurance Company and ultimately awarded a sum of Rs.10,000/- as total compensation, without any break up details. As such, this Court cannot interfere with the said sum of Rs.10,000/-. Further, the compensation of Rs.10,000/- awarded during the year 2006 would be infact less and not more, considering the paucity of time and escalation in the value of prices.

6. In view of the above discussions, these Civil Miscellaneous Appeals are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed. The appellant (in both cases) / Insurance Company shall deposit the entire compensation amount(s), along with interest 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. It is reported that the claimant / first respondent in CMA.No.4081 of 2008 died. On such deposit being made, the Tribunal is directed to transfer the amount(s) to the respective Savings Bank Account(s) of the legal heirs of the claimant / 1st Respondent in CMA.No.4081 of 2008 and the claimant/1st respondent in CMA.No.4082 of 2008, within one week thereafter, through RTGS.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

srk / vrn

To

1. The Motor Accident Claims Tribunal /
Subordinate Judge
Panruti.

Copy To

The Section Officer
V.R.Section
Madras High Court
Chennai 104

+1cc to Mr.M.Krishnamoorthy, Advocate, S.R.No.55588
+2cc to Mr.K.Moorthy, Advocate, S.R.No. 56160 & 56161

C.M.A.Nos.4081 and 4082 of 2008
and M.P.Nos.1 and 1 of 2008

NR(CO)
GN(29/07/2020)

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