

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2019

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.M.A.NOS.2265 TO 2267 OF 2010

AND

M.P.NOS.1,1 AND 1 OF 2010

Divisional Manager, National
Insurance Company Ltd.,
No.19, Officer Line, Vellore.

... Appellant in all C.M.As/
2nd Respondent

Versus

1. Saraswathy ...1st Respondent in C.M.A.No.2265 of 2010/
Petitioner in M.C.O.P.No.124 of 2006
 2. Padmavathy ...1st Respondent in C.M.A.No.2266 of 2010/
Petitioner in M.C.O.P.No.125 of 2006
 3. Venkataraman ...1st Respondent in C.M.A.No.2267 of 2010/
Petitioner in M.C.O.P.No.355 of 2006
 4. Chandra ... 2nd Respondent
 5. Suresh Kumar ... 3rd Respondent
 6. Divisional Manger,
United India Insurance Co.Ltd.,
No.46, Katpadi Road, Vellore. ... 4th Respondent
in all CMAs
- 1, 3rd and 4th
Respondents
in MCOP.124,
125 & 355/06

Common Prayer:

These Appeals have been filed under Section 173 of Motor Vehicles Act, against the Judgment and Decree made in M.C.O.P.Nos.124,125 and 355 of 2006 on the file of Motor Accident Claims Tribunal (Additional Subordinate Judge) at Tiruvannamalai dated 07.01.2008.

For Appellant : Mr.Krishnamoorthy
for all the Appeals

For Respondents: RR2 & 3 - Exparte

R1 & R4 : No Appearance

COMMON JUDGMENT

These appeals have been filed under Section 173 of Motor Vehicles Act, against the Judgment and Decree made in M.C.O.P.Nos.124,125 and 355 of 2006 on the file of Motor Accident Claims Tribunal (Additional District Judge) at Tiruvannamalai dated 07.01.2008.

2. On 03.11.2004 the respondents one to three herein was travelling in a van bearing Registration No.T-N-25-B-7795 from Chennai to Trichy in the National Highway. At that time a lorry bearing Registration No.T-N-58-J-3966 came in the opposite direction and dashed the van. The van belongs to fifth respondent herein and the lorry belongs to fourth respondent herein. The accident occurred only due to the rash and negligent act of the driver of the lorry. Therefore, the first second and third respondent herein have filed M.C.O.P.Nos. 124, 125 and 355 of 2006 on the file of Motor Accident Claims Tribunal (Additional District Judge) at Tiruvannamalai, on the file of the Motor Accident Claims Tribunal (District Judge) at Perambalur. seeking compensation for a sum of Rs.3,00,000/- Rs.10,00,000/-and Rs.3,00,000/- respectively Tribunal, on a consideration of oral and documentary evidence, has awarded a sum of Rs.30,000/- Rs.1,96,000/- and Rs.35,000/- respectively, 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, 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 has applied its mind properly and granted the award with the correct head which is well considered order.

7. In the result,

(a) these appeal are dismissed and the Judgment and Decree dated 07.01.2008, in M.C.O.P.Nos.124,125 and 355 of 2006, on the file of on the file of Motor Accident Claims Tribunal (Additional District Judge) at Tiruvannamalai is confirmed.

(b) the appellant/Insurance Company is directed to deposit the amount as directed by the Tribunal, less the amount, if any, already deposited, with interest at the rate of 7.5% within a period of 8 weeks from the date of receipt of copy of this Judgment.

(c) On such deposit the claimants are permitted to withdraw the award amount, by way of filing proper application before the Tribunal.

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

(f) Consequently, connected miscellaneous petition are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

smn

To.

The Accident Claims Tribunal,
Additional Subordinate Judge,
Tiruvannamalai.

+3ccs to Mr.Krishnamoorthy, Advocate, S.R.No.14280 TO 14282

C.M.A.Nos.2265 to 2267 of 2010
M.P.Nos.1,1 and 1 of 2010

VGI (CO)
CS/21/10/2019