

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2019

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.M.A. No.2503 of 2010 and

M.P.Nos.1 and 2 of 2010

The National Insurance Company Ltd.,
Gobichettipalayam ... Appellant/R3

Versus

1. Gurusamy ... R1/1st Claimant
2. Mohana ... R2/2nd Claimant
3. Murugan ... R3/R1
4. N. Dhachinamoorthy ... R4/R2

Prayer: This Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to set aside the Judgment and Decree dated 19.02.2010 and made in M.A.C.T.O.P. No. 154 of 2008 on the file of the Motor Accident Claims Tribunal, Bhavani Erode District (Subordinate Court, Bhavani).

For Appellant : Mr.S. Vadivel
For Respondents 1 & 2 : Mr. R. Neela Kandan
R3 : Died

J U D G M E N T

This appeal has been filed challenging the negligence as well as the quantum of compensation awarded by the Claims Tribunal, in M.A.C.T.O.P. No. 154 of 2008 on the file of the Motor Accident Claims Tribunal, Bhavani Erode District (Subordinate Court, Bhavani).

2. On 02.02.2006 at about 10:30 p.m, when the deceased by name Ravi, who is the son of the first respondent and husband of

the 2nd respondent was riding his two wheeler bearing Registration No.TN-28-D-7707, in Bhavani to Sathi main Road, a lorry bearing Registration No.N-T.N-25 of 3087 came at a very high speed and dashed the vehicle of the deceased. In the result, the deceased Ravi sustained grievous injuries and died on the spot itself. Hence, the first and second respondent have filed M.A.C.T.O.P. No. 154 of 2008 on the file of the Motor Accident Claims Tribunal, Bhavani Erode District (Subordinate Court, Bhavani) 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.5,86,100/- 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 has applied its mind properly and granted the award with the correct head which is well considered order, this Court need not interfere with the award, in fact the award itself is very meager.

7. In the result, सत्यमेव जयते

(a) this appeal is dismissed and the Judgment and Decree of the M.A.C.T.O.P. No. 154 of 2008 on the file of the Motor Accident Claims Tribunal, Bhavani Erode District (Subordinate Court, Bhavani) 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 first and second respondents are permitted to withdraw and disburse the amount as per the

directions of the Tribunal, 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

To.

1.The Subordinate Judge,
The Motor Accident Claims Tribunal,
Bhavani Erode District, Bhavani.

2. The Section Officer,
V.R Section,
High Court, Madras

+1cc to Mr. R. Neela Kandan, Advocate sr.12418

C.M.A. No.2503 of 2010
M.P.Nos.1 and 2 of 2010

ev(co)
nr 22/07/2019

सत्यमेव जयते
WEB COPY