

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2019

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.M.A.No.2427 of 2006

Branch Manager,
United India Insurance Co Ltd.,
Pallivasal Street,
Perambalur. Appellant/2nd Respondent

Versus

1. Manivel

2. A.Ravi

.... Respondents/Petitioner/1st Respondent

Prayer: This Appeal has been filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decreetal order dated 14.09.2005 made in M.C.O.P.No.252 of 2003 on the file of the Motor Accident Claims Tribunal, Sub Court, Ariiyalur.

For Appellant : Mr.D. Baskaran

J U D G M E N T

Challenging the negligence as well as the quantum of compensation awarded by the Claims Tribunal, in M.C.O.P.No.252 of 2003 on the file of the Motor Accident Claims Tribunal, Sub Court, Ariiyalur, dated 14.09.2005 the appellant has preferred this appeal.

2. On 16.09.2002 at about 2.00 clock when the first respondent herein was walking in a road near Kurumbachavadi a Tractor bearing Registration No.T-N-46-P-0655 came in the opposite direction at a very high speed and dashed against the first respondent. The accident occurred due to the rash and negligent act of the driver. In the result the first respondent herein sustained grievous injuries, hence he filed a claim petition in M.C.O.P.No.252 of 2003 on the file of the Motor

Accident Claims Tribunal, Sub Court, Ariiyalur, seeking compensation for a sum of Rs.15,00,000/-. The Tribunal, on a consideration of oral and documentary evidence, has awarded a sum of Rs.2,79,000/- payable with interest at the rate of 9% 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 R2 and served there is no representation on their behalf and it is reported by the counsel for the appellant that R1 died.

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. The driver of the vehicle without observing any traffic rules has run the vehicle and hit against the first respondent. At the time of accident the first respondent herein was earning Rs.5,000/- per month and he is the sole bread winner of the family. The Tribunal has adopted correct method of calculation and arrived a reasonable amount.

7. The Tribunal has considered the case in proper manner and awarded a sum of Rs.2,79,000/- under the following heads:

S.No.	Particulars	Amount awarded by the Tribunal
1	Loss of Income	Rs.1,99,000/-
2	Medical Expenses	Rs.50,000/-
3	Pain and suffering	Rs.20,000/-
4	Nourishment	Rs.10,000/-
	Total	Rs.2,79,000/-

8. 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.

9. In the result,

(a) this appeal is dismissed and the Judgment and Decree of the Tribunal in M.C.O.P.No.252 of 2003, dated dated 14.09.2005 is hereby confirmed.

(b) the appellant/Insurance Company is directed to deposit amount as awarded by the Tribunal with interest at the rate of 9% within a period of 8 weeks from the date of receipt of copy of this order.

(c) On such deposit the claimant is permitted to withdraw 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.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To.

1.The Subordinate Judge,
Motor Accident Claims Tribunal,
Ariiyalur.

2.The Section Officer,
VR Section, High Court, Madras-104.

+1cc to Mr.D.Baskaran, Advocate sr.21703

C.M.A. No.2427 of 2009

nr 13/05/2019