

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2019

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.M.A. No.3302 of 2010
and M.P.No.1 of 2010

The New India Assurance Company Ltd.,
Branch Office,
Dharmapuri.

... Appellant

Vs.

1. G.Venkatesh
2. M.Chinnamathaiyan
(The 2nd respondent herein remained
exparte before the lower Court, hence
notice to him may be dispensed with)

... Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree made in M.C.O.P.No.1843 of 2006 dated 02.08.2010, on the file of the Motor Accidents Claims Tribunal (Chief Judicial Magistrate Court), Krishnagiri.

For Appellant : Mr.S.Jayashankar
For Respondents : R1 notice returned as
insufficient address
R2 set exparte

J U D G M E N T

Challenging the negligence as well as the quantum of compensation awarded by the Claims Tribunal in MCOP No.1843 of 2006 dated 02.08.2010, the appellant / Insurance Company preferred this Civil Miscellaneous Appeal.

2. The facts of the case are that on 23.06.2006 at about 1.00 p.m. when the 1st respondent was proceeding in a Motor Cycle bearing Registration No.TN-24-X-4045 in Hosur-Krishnagiri NH Road, keeping left of the road and nearing V.S.Agency, the driver of the Lorry bearing Registration No.TN-29-2220 belonging to the 2nd respondent coming on the opposite direction in a rash and negligent manner, dashed against the first respondent. Out of the said accident, the first respondent sustained grievous injuries. Therefore, the first respondent filed a petition in M.C.O.P.No.1843 of 2006 before the Motor Accidents Claims Tribunal (Chief Judicial Magistrate Court), Krishnagiri, claiming a sum of Rs.7,00,000/- towards compensation. The Claims Tribunal, on consideration of the oral and documentary evidence,

awarded a sum of Rs.2,82,300/- payable with interest at the rate of 7.5% per annum from the date of award till date of payment.

3. Challenging the award of compensation as excessive and disproportionate, the appellant/Insurance Company is before this Court by way of filing this Civil Miscellaneous Appeal.

4. Though notice issued to R1, it was returned with an endorsement ''insufficient address''. R2 was set exparte before the Tribunal.

5. Heard Mr.S.Jeyashankar, learned counsel for the appellant and perused the materials available on record.

5.Considering the age, occupation and nature of injury sustained by the claimant as well as the medical evidence produced by him, this Court finds that the Tribunal has awarded just and reasonable compensation amount of Rs.2,82,300/-, and no interference is called for in this appeal.

6. In view of the above, this Court is not inclined to interfere with the award passed by the Tribunal. Therefore, the appeal is liable to be dismissed.

7. In the result,

a) This Civil Miscellaneous Appeal is dismissed on merits by confirming the award passed by the Tribunal in M.C.O.P.No.1843 of 2006 dated 02.08.2010, on the file of the Motor Accidents Claims Tribunal (Chief Judicial Magistrate Court), Krishnagiri.

b) The appellant/Insurance Company is directed to deposit the amount as determined by the Tribunal together with interest at 7.5% per annum, after adjusting the amount, if any, already deposited, within a period of eight weeks from the date of copy of this Judgment.

c) On such deposit, the respondent/claimant is permitted to withdraw the same with accrued interest, less the amount if any, already withdrawn, on filing appropriate application before the Tribunal.

Consequently, connected Miscellaneous Petition is closed.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

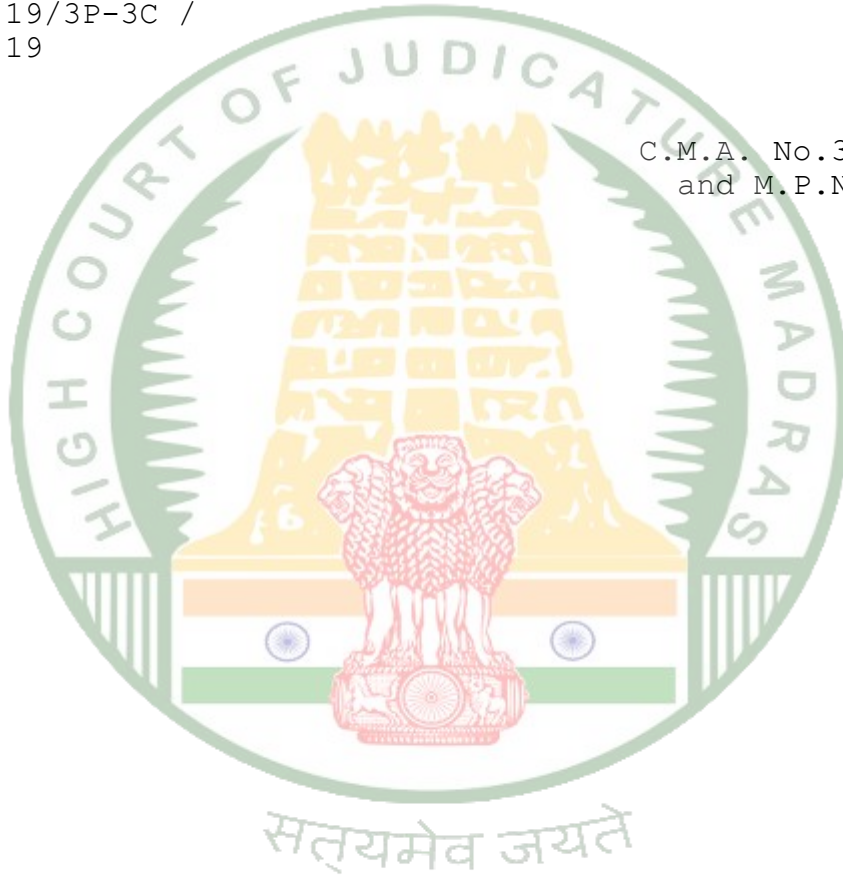
To

The Motor Accidents Claims Tribunal/
Chief Judicial Magistrate Court,
Krishnagiri.

+1 cc to M/s.S.Jaya Sankar, Advocate Sr.No. 13959

AKM/19.09.19/3P-3C /
AKM/13.12.19

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