

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 21.11.2019

CORAM:

THE HONOURABLE MRS. JUSTICE R. HEMALATHA
CMA.No.3466 of 2009

The Branch Manager,
The United India Insurance Co. Ltd.,
Ranipet.

.. Appellant/ Respondent

vs.

Thiru. R.Arumugam

..Respondents/Claimant

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the decree and Judgment dated 17.08.2009 passed in MCOP.No.159 of 2006 on the file of the Motor Accident Claims Tribunal / Sub Court, Cheyyar at Vellore District.

Appellant : Mr.J.Chandran
Respondent : Mr.V.R.Appaswamee

J U D G M E N T

The appellant, the Branch Manager, United India Insurance Company Limited is the respondent in MCOP.No.159 of 2006 on the file of the Motor Accident Claims Tribunal / Sub Court, Cheyyar at Vellore. The respondent / claimant filed the claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation of Rs.1,00,000/- for the damages caused to his Tata 709 lorry in a road accident on 26.09.2002.

2. The claimant is the owner of Tata 709 lorry bearing Registration No. TN 51 X 4398. On 26.09.2002, the lorry was proceeding on Chennai - Trichy National Highways and at about 04.00 p.m, the driver of the lorry drove the vehicle rashly and negligently and the lorry toppled causing extensive damage to the vehicle.

3. The learned Subordinate Judge / Motor Accident Claims Tribunal Cheyyar at Vellore after analysing the evidence on record awarded a compensation of Rs.20,010/- together with interest at the rate of 7.5% per annum to the claimant. Aggrieved over the orders passed by the Tribunal, the United India Insurance Company Limited has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

appellant and Mr.V.R.Appaswamee, learned counsel appearing for the respondent.

5. A perusal of the records shows that the lorry bearing Registration No. TN 51 X 4398 was damaged due to the accident on 26.09.2002. It is also seen from the bills (Ex.P3) that the claimant has incurred an expenditure of Rs.20,010/- for repairing his lorry. In the facts and circumstances, the quantum of compensation awarded by the Tribunal cannot be said to be on the higher side and therefore, the appeal is dismissed.

6. In the result,

(i) The Civil Miscellaneous Appeal is dismissed. No costs.

(ii) The orders passed by the Tribunal is upheld.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

mtl
To

The Motor Accidents Claims Tribunal,
The Subordinate Judge,
Cheyyar,
Vellore District.

Copy to:

The Section Officer, VR Section, High Court, Madras.

CMA.No.3466 of 2009

A.SK(16/07/2020)

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