

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2019

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.M.A. No.452 of 2009

P. Selvaraj

... Appellant/Claimant

Versus

1. C.P. Adalarasan

2. National Insurance Company Ltd.,
No. 12, K.K. Road,
Muruga Theatre Complex,
Villupuram.

... Respondents/Respondents

Prayer:- This Appeal is filed under Section 173 of Motor Vehicles Act, 1988 to set aside the decree and Judgment dated 19.07.2006 made in M.A.C.T.O.P.No. 168 of 2005 on the file of the Motor Accident Claims Tribunal (Principal Sub Court), Villupuram

For Appellant :Mr.T.Dhanya Kumar
For Respondent-2 :MR.D.Bhaskaran

J U D G M E N T

This appeal has been filed challenging the decree and Judgment dated 19.07.2006 made in M.A.C.T.O.P.No. 168 of 2005 on the file of the Motor Accident Claims Tribunal, Principal Sub Court.

2. On 09.01.2005 at about 7:50 p.m when the appellant herein was travelling as a Pillion rider in a Hero Honda Splendor Motor Cycle bearing Registration Number: TN-32-B-1238, the rider of the vehicle, while reaching Villupuram, came in a rash and negligent manner without observing safety rule, due to which the accident took place. Hence, the appellant herein filed M.A.C.T.O.P No. 168 of 2005 on the file of the Motor Vehicles Accidents Claims Tribunal, Principal Sub Court, Villupuram, seeking compensation for a sum of Rs.2,00,000/-. The Tribunal, on a consideration of oral and documentary evidence, has awarded a sum of Rs.72,850/- payable with interest at the rate of 7.5% per annum.

3. Aggrieved over the same, 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 2nd respondent 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 is applied its mind properly and granted the award with the correct head which is well considered order.

7. In the result,

(a) this appeal is dismissed and the Judgment and Decree dated 19.07.2006 and made in M.A.C.T.O.P.No. 168 of 2005, on the file of Motor Vehicles Accidents Claims Tribunal, Principal Sub Court, Villupuram is confirmed.

(b) the second respondent/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 petitioner is permitted to withdraw the amount awarded as above by filing proper application before the Tribunal.

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

Sd/-
Assistant Registrar(CS VIII)
//True Copy//

Sub Assistant Registrar

smn

To

1. The Motor Accident Claims Tribunal,
(The Principal Sub Court),
Villupuram,

+1cc to MR.D.Bhaskaran, Advocate, S.R.No.24418

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NRJK (CO)
CS/16/07/2019



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