

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 20.02.2019

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.M.A. No.587 of 2009
and M.P.No.1 of 2009

Divisional Manager,
The New India Assurance Co.Ltd.,
No.42, Big Street,
Thiruvannamalai Town. Appellant/2nd Respondent

Versus

1. Mageshwari 1st Respondent/Petitioner
2. Ramalingam 2nd Respondents/1st Respondent

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.1144 of 2006 dated 13.10.2008, on the file of the Motor Accidents Claims Tribunal / Additional Sub Court, Thiruvannamalai.

For Appellant : Mr.N.Vijayaraghavan

For Respondents : Mr.Ma.P.Thangavel (for R1)

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.1144 of 2006 dated 13.10.2008, the appellant preferred this Civil Miscellaneous Appeal.

2. The facts of the case are as follows:

The injured claimant was a college going girl who was aged about 20 years at the time of accident. On 16.04.2006 at about 2.15 p.m when the injured claimant was standing with her motor cycle on Chinnakadai Street, Tiruvannamalai, an auto came in South to North side bearing Registration No.TN 04 C 1353 in a

rash and negligent manner and hit the first respondent/claimant. Out of the said accident, the first respondent sustained grievous injuries. Therefore, she filed a petition in M.C.O.P.No.1144 of 2006 before the Motor Accidents Claims Tribunal / Additional Sub Court, Thiruvannamalai, claiming a sum of Rs.50,000/- towards compensation. The Claims Tribunal, on a consideration of oral and documentary evidence, awarded a sum of Rs.19,500/- payable with interest at the rate of 7.5% per annum from the date of filing petition to till the date of Decree.

3. Challenging the same as excessive and disproportionate, the appellant is before this Court by way of filing this Civil Miscellaneous Appeal.

4. Heard Mr.N.Vijayaraghavan, learned counsel for appellant and Mr..Ma.P.Thangavel, learned counsel for Rland perused the materials available on record. hazard

5.Considering the age, nature of the injury sustained by the claimant and the medical evidence produced by her, I find that the compensation amount of Rs.19,500/- awarded by the Tribunal is well considered, just and reasonable.

6. In the above circumstances, this Court need 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.1144 of 2006 dated 13.10.2008, on the file of the Motor Accidents Claims Tribunal / Additional Sub Court, Thiruvannamalai.

b) Since it is reported by the learned counsel for appellant that the award amount as determined by the Tribunal has already been deposited, the first respondent/claimant is permitted to withdraw the said award amount 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 (CS-IV)

//True copy//

Sub Assistant Registrar

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To.

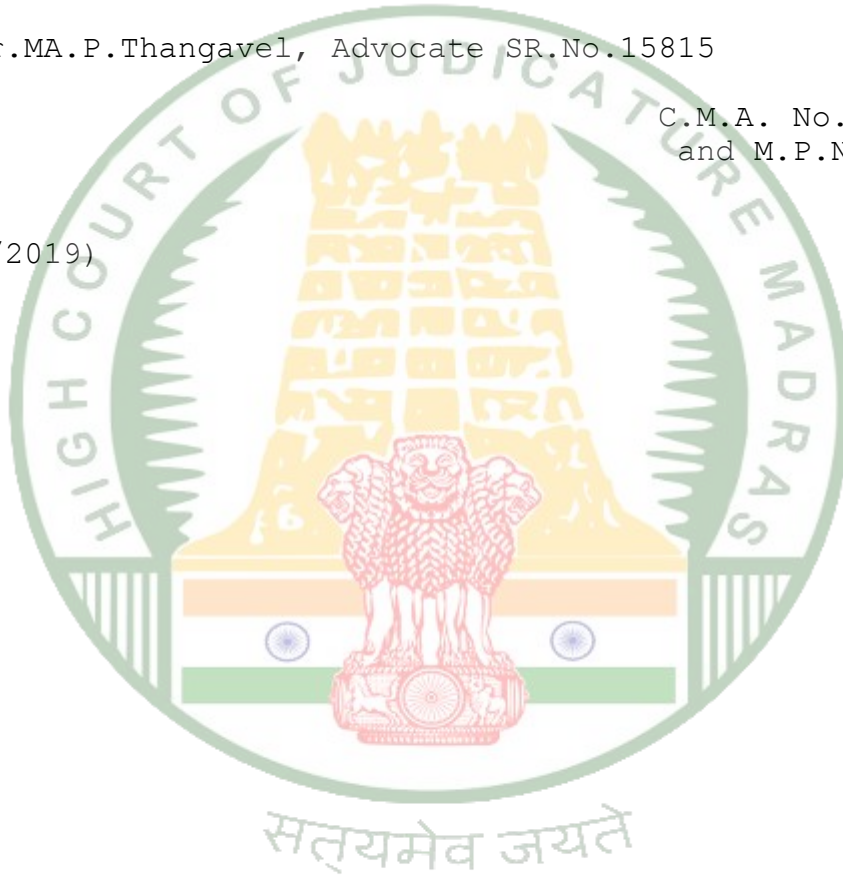
1. The Additional Sub Court/
Motor Accidents Claims Tribunal,
Thiruvannamalai.
2. The Section Officer
VR Section,
High Court, Madras

+1cc to Mr.M.B.Gopalan, Advocate SR.No.16227

+1cc to Mr.MA.P.Thangavel, Advocate SR.No.15815

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AD(CO)
GMY(28/05/2019)



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