

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2019

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.M.A. No.970 of 2010 and

M.P.No.1 of 2010

The Branch Manager,
National Insurance Co Ltd.,
Door No.49, Rastha Manveli Street,
No.2 Road, Myladuthurai Town,
Myladuthurai Taluk & D.M. Elakka,
Nagapattinam District. ... Appellant/2nd Respondent

Versus

1. K. Balu S/o.Kuppu ...1st Respondent/Petitioner

2. P. Murugesh Pandian
S/o.Ponnusamy ... 2nd Respondent/1st Respondent

Prayer: This Appeal is filed under Section 173 of Motor Vehicles Act, to set aside the Judgment and Decree dated 04.08.2008 and made in M.A.C.T.O.P.No. 214 of 2007 on the file of the Motor Accident Claims Tribunal, Thiruvarur.

For Appellant :Mr.S. Vadivel

For Respondent-1 :Mr. Nageswaran

R2

: NA

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J U D G M E N T

This appeal has been filed to set aside the Judgment and Decree dated 04.08.2008 and made in M.C.O.P.No. 214 of 2007 on the file of the Motor Accident Claims Tribunal, Thiruvarur.

2. On 19.06.2007 at about 4:45 p.m when the first respondent herein was riding his two wheeler bearing Registration No.T-N-20-2860 near velaikudi silicon company at

Thiruvarur, the second respondent herein came in a mini van bearing Registration No.51-P-6285 at a very high speed and dashed the vehicle of the first respondent. In the result, the first respondent herein sustained grievous injuries. Hence, the respondent had filed M.C.O.P.No. 214 of 2007 on the file of the Motor Accident Claims Tribunal, Thiruvarur seeking compensation for a sum of Rs.5,00,000/-. The Tribunal, on a consideration of oral and documentary evidence, has awarded a sum of Rs.1,87,000/- payable with interest at the rate of 7.5% 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 the respondents, 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 of the M.C.O.P. No. 214 of 2007 on the file of the Motor Accident Claims Tribunal, Thiruvarur is hereby confirmed.

(b) the appellant/Insurance company is directed to deposit amount as awarded by the Tribunal, less the amount, if any, already deposited, with 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 respondent is permitted to withdraw and the amount, by way of filing proper application before the Tribunal.

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

(f) Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

smn

To.

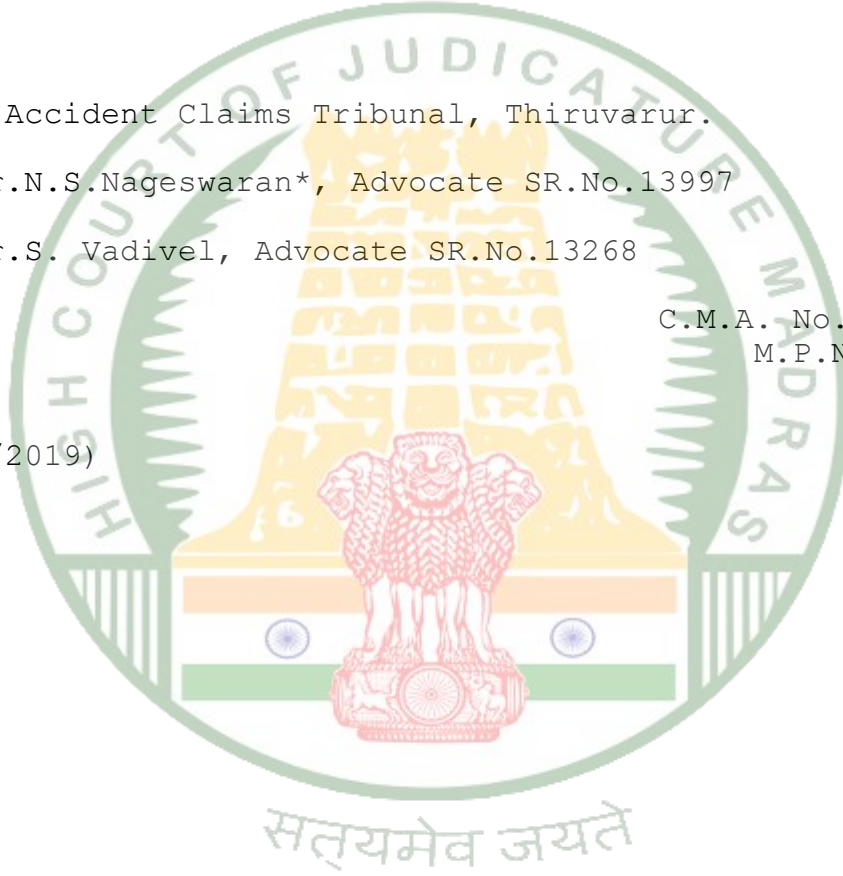
The Motor Accident Claims Tribunal, Thiruvavarur.

+1cc to Mr.N.S.Nageswaran*, Advocate SR.No.13997

+1cc to Mr.S. Vadivel, Advocate SR.No.13268

C.M.A. No.970 of 2010
M.P.No.1 of 2009

PVS (CO)
GMY (22/08/2019)



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