

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKA RAMAN

C.M.A.No.2037 of 2011

The National Insurance Co. Ltd.,
Bharathi Road, Cuddalore.

...Appellant

vs.

1.A.Loganathan
2.P.Ramasamy

(Respondent 2 set exparte
in the lower Court)

...Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and decree dated 30.07.2010 made in M.C.O.P.No.405 of 2005, on the file of the Motor Accidents Claims Tribunal, I Additional Subordinate Judge at Cuddalore.

For Appellant : Mrs.R.Sree Vidhya

For Respondents: R1- Not ready in Notice
R2 - Set exparte

JUDGMENT

This Civil Miscellaneous Appeal is filed by the National Insurance Company Limited, challenging the Judgment and decree dated 30.07.2010 made in M.C.O.P.No.405 of 2005, on the file of the Motor Accidents Claims Tribunal, I Additional Subordinate Judge at Cuddalore. The Insurance Company has preferred this appeal.

2. The brief facts of the case are as follows:

On 29.06.2002, at about 9.00 A.M, while the first respondent/claimant was riding his bicycle from his rice mill to his house on the extreme left side of Kumbakonam to panruti Main Road from South to North direction with due care and caution the second respondent's vehicle Ambassador Car bearing Registration No.TAL-2277 was coming from the opposite direction at a high speed in a rash and negligent manner, without making any horn and without following the traffic rules and regulations and hit against the first respondent travelled riding bi-cycle and

caused the accident for the injuries sustained by the accident. The claimant has examined himself as PW1 and also examined PW2- Doctor Vijay Anandammaiyya who had/has issued Ex.P9, permanent disability certificate wherein the disability suffered by the claimant is assessed at 50% accordingly Rs.75,000/- has awarded.

3. On other heads, reasonable amount is founded to be awarded. On taking in to consideration, the date of accident and also the nature of injury suffered by claimant/first respondent being fracture in the left shoulder dislocation and also taken treatment as an inpatient for more than 10 days. The award of compensation granted by the Trial Court cannot be termed to be excessive.

4. In this view of the matter, the quantum of compensation fixed by the Tribunal is hereby confirmed.

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

(ii) The quantum of compensation awarded by the Tribunal is upheld.

(iii) The present appellant - National Insurance Company Limited is directed to deposit the entire compensation awarded by the Tribunal (if not already deposited) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of M.C.O.P.No. 405 of 2005, dated 30.07.2010, on the file of the Motor Accidents Claims Tribunal, I Additional Subordinate Judge at Cuddalore within a period of eight weeks from the date of receipt of a copy of this order.

(iv) On such deposit being made, the first respondent/claimant is permitted to withdraw the entire amount after following the due process of law.

arb

सत्यमेव जयते

Sd/-

Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

To

The Motor Accidents Claims Tribunal,
I Additional Subordinate Judge,
Cuddalore.

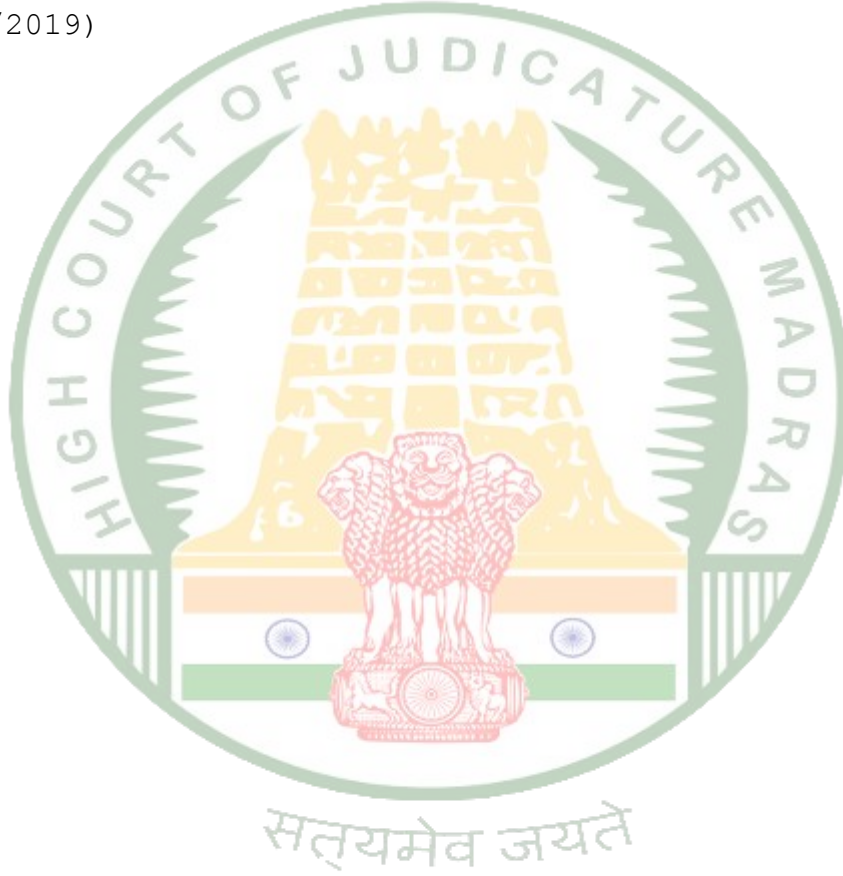
Copy to:-

The Section Officer,
V.R.Section,
High Court, Madras - 104.

+1cc to Mr.R.Ravichandran, Advocate, SR.No.16587/19

C.M.A.No.2037 of 2011

Kak (03/07/2019)



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