



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Judgment Reserved on : 18.03.2019

Judgment Pronounced on : 21.06.2019

CORAM:

THE HONOURABLE Mr.JUSTICE RMT.TEEKAA RAMAN

C.M.A.No.3475 of 2011

and

MP.No.1 of 2011

M/s United India Insurance Co. Ltd.,
No.14, Whites Road,
Sudarsan Building, 2nd Floor,
Chennai - 600 014.

... Appellant

Versus

1. Thiru. E. Krishnamoorthy
2. Thiru. N.Sudhakar Babu

... Respondents

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Award and Decree dated 27.08.2009 made in MCOP.No.825 of 2007 on the file of the Motor Accident Claims Tribunal (Additional District & Sessions - Judge), Fast Tract Court - II, Poonamallee, Thiruvallur.

For Appellant : J.Chandran

For Respondents : No Appearance

JUDGMENT

The Insurance company is the appellant herein, challenging the award of compensation dated 27.08.2009 passed in MCOP.No.825 of 2007 on the file of the Motor Accident Claims Tribunal (Additional District & Sessions - Judge), Fast Tract Court - II, Poonamallee, Thiruvallur, on the ground of quantum.

2.The factum of the accident, rash and negligence on the part of the driver of the first respondent's Car bearing Registration No.PY-01, C-9021, are not in dispute and hence, in this regard, the findings of the Tribunal are hereby confirmed. Hence, this Court does not traverse into those aspects once again.

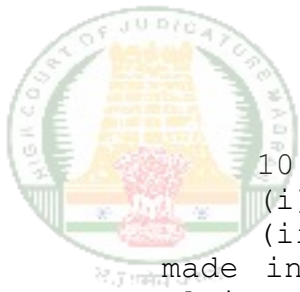


4. It is submitted by the learned counsel for the appellant/Insurance company that the policy is only a liability policy, however, for the reasons best known, the policy has not been marked on either before the Tribunal or before this Court. In the absence of policy, the said contention raised by the appellant/Insurance company is not substantiated. Accordingly, the same is hereby stands rejected.

6. After going through the records, it clearly shows that at the time of accident, the claimant has completed his post graduate M.Sc., Computer Science and working as a System Engineer and Analyst in Wipro Company Ltd., Chennai and earning a sum of Rs.30,000/- per month. Due to the said accident, the claimant's vision was diminished.

8. Taking into consideration the entire evidence of PW.2/Doctor, who assessed the disability at 40%, a sum of Rs.40,000/- is awarded for his disability and the same cannot be termed as excessive and the other various heads awarded by the Tribunal are also considerably reasonable and fair.

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10. In the result,

(i) the Civil Miscellaneous Appeal is dismissed.

(ii) by confirming the Award and Decree dated 27.08.2009 made in MCOP.No.825 of 2007 on the file of the Motor Accident Claims Tribunal (Additional District & Sessions - Judge), Fast Track Court - II, Poonamallee, Thiruvallur.

(iii) The appellant/Insurance Company is directed to deposit the amount as determined by the Tribunal together with interest at the rate of 7.5% per annum and costs, after adjusting amount, if any, already deposited, within a period of eight weeks from the date of copy of this Judgment.

(iv) On such deposit being made, the claimant is entitled to withdraw the same with accrued interest, less the amount if any, already withdrawn. No costs. Consequently, the connected miscellaneous petition is closed.

s/d-

Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

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To

1. The Additional District and Sessions Judge
The Motor Accident Claims Tribunal
(Additional District & Sessions - Court),
Fast Track Court - II, Poonamallee, Thiruvallur.

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

+1 CC to Mr.J. Chandran, Advocate sr 51874.

C.M.A.No.3475 of 2011

BR (CO)
SP (20/11/2019)