

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2019

CORAM:

THE HONOURABLE Mr.JUSTICE RMT.TEEKAA RAMAN

C.M.A.Nos.395 of 2011
and
M.P.No.1 of 2011

M/s.Royal Sundaram Alliance
Insurance Company Limited,
Branch at No.46, Whites Road,
Chennai - 600 014.

.. Appellant /2nd Respondent

Vs.

1.Rani

2.Govindammal

3.Marimuthu

... Respondents 1 to 3/Petitioners

4.B.Manikandan

(R4 set exparte in Lower Court) 4th
Respondent/Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and Decree dated 22.06.2010 made in M.C.O.P.No.725 of 2008 on the file of the Motor Accident Claims Tribunal (Additional District Judge) (Fast Track Court) at Dharmapuri.

For Appellant	: Mrs.R.Sreevidhya
For R1	: Mr.V.R.Annagandhi
For R2	: No appearance
For R3	: Mr.R.Rajaramani
	No appearance.
For R4	: Exparte

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JUDGMENT

The 2nd respondent before the Tribunal, is the appellant herein.

This Civil Miscellaneous Appeal has been filed against the order and Decree dated 22.06.2010 made in M.C.O.P.No.725 of 2008 on the file of the Motor Accident Claims Tribunal (Additional District Judge) (Fast Track Court) at Dharmapuri.

2. After hearing both sides and also taking note of the manner of the accident as spoken to by P.W.1, the trial Court has rightly come to the conclusion and also held that accident has taken place due to rash and negligent of the driver of the offending vehicle and taking note of the fact that there was no driving license for the driver of the offending vehicle.

3. The Motor Accident Tribunal, Dharmapuri, following the decision of a Division Bench of this Court in 2009 (2) TN MAC 103 (DB) (United India Insurance Co. Ltd. Vs. S.Saravanan and another), has also granted pay and recover option and accordingly taking into consideration of the age of the deceased and the calculation adopted by the Motor Accident Tribunal, I do not find that the compensation awarded by the Tribunal is excessive.

4. In view of this matter, this Civil Miscellaneous Appeal is dismissed. The Insurance Company has submitted that the entire amount has already been deposited. It is open to the claimant to file petition before the Tribunal for withdrawal of the compensation amount. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Motor Accident Claims Tribunal (Additional District Judge)
(Fast Track Court) at Dharmapuri.

2. The Section Officer, सत्यमेव जयते
V.R Section,
High Court, Madras

+lcc to Mr.V.R.Annagandhi, Advocate sr.9110
+lcc to Mrs.R.Sreevidhya, Advocate sr.10283

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nr 30/05/2019