

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

C.M.A.No.652 of 2011

M/s.United India Insurance Co. Ltd.,
Rep.by its Divisional Manager,
Vellore.

... Appellant/
2nd Respondent

... Vs ...

1. Minor.Logeswari
Rep.by guardian and next friend
mother D.Jaya

... 1st Respondent/Petitioner

2. Thiru.V.R.Chandrasekar

... 2nd Respondent/
1st Respondent

PRAYER: Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and Decree dated 05.04.2010 made in M.C.O.P.No.211 of 2006 on the file of the Motor Accidents Claims Tribunal (Subordinate Judge), Gudiyatham, Vellore District.

For Appellant : Mr.J.Chandran

JUDGMENT

The Insurance Company has filed this civil miscellaneous appeal challenging the Judgment and decree dated 05.04.2010 passed by the Motor Accidents Claims Tribunal (Subordinate Judge), Gudiyatham, Vellore District, in M.C.O.P.No.211 of 2006.

2. The accident in this case happened on 23.01.2000 at about 5.30 a.m., opposite to Gengaiyamman Koil, Gudiyatham and in the said accident, the injured/minor claimant has sustained grievous injuries and hence, her mother has filed a claim petition on her behalf claiming a sum of Rs.2,00,000/- as compensation.

3. Before the Tribunal, on the side of the injured/claimant,

the mother of the minor claimant was examined as P.W.1 and documents Exs.P.1 to P.5 were marked. One Mr.Srinivasan was examined as R.W.1 and no document was marked on the side of the respondent before the Tribunal.

4. After considering both oral and documentary evidence adduced on either side, the Tribunal has held that the accident had occurred due to the rash and negligent driving on the part of the driver of the lorry and hence, the first respondent therein, who is the owner of the lorry and the second respondent therein, who is the insurer of the lorry, are jointly and severally liable to pay compensation to the claimant and awarded a sum of Rs.82,000/- together with interest at 6 % per annum from the date of claim petition till the date of deposit and costs as compensation to the claimant. The break up particulars are as follows:-

Sl. No.	Head	Amount awarded by the Tribunal
1.	Compensation for injuries	Rs. 50,000/-
2.	Pain and Sufferings	Rs. 25,000/-
3.	Transport charges	Rs. 2,000/-
4.	Extra Nourishment	Rs. 5,000/-
	Total	Rs. 82,000/-

5. The learned counsel appearing for the appellant/insurance company would submit that the compensation awarded by the Tribunal is very high and the same needs to be reduced.

6. A perusal of the award passed by the Motor Accident Claims Tribunal would go to show that the Tribunal, after going through the document Ex.P.4/Wound Certificate and after considering the injuries sustained by the claimant, awarded a sum of Rs.82,000/- as compensation under various heads as referred to above. The quantum of compensation awarded by the Tribunal cannot be said to be excessive for the nature of injuries sustained by the injured/claimant, warranting interference and therefore, the appeal is liable to be dismissed.

7. In the result, the Civil Miscellaneous Appeal is dismissed and the award dated 05.04.2010 passed by the Motor Accidents Claims Tribunal, Subordinate Judge, Gudiyatham, Vellore District, in M.C.O.P.No.211 of 2006, is confirmed.

8. If the award amount with accrued interest has not been

deposited, the appellant-Insurance Company is directed to deposit the entire award amount along with interest at the rate of 6 % per annum from the date of claim petition and costs, less the amount already deposited, if any, to the credit of M.C.O.P.No.211 of 2006 on the file of the Motor Accidents Claims Tribunal, Subordinate Judge, Gudiyatham, Vellore District, within a period of eight weeks from the date of receipt of a copy of this Judgment. On such deposit, the first respondent/claimant is permitted to withdraw the award amount along with interest and costs, less the amount already withdrawn, if any. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Jr1

To

1. Subordinate Judge,
The Motor Accidents Claims Tribunal,
Gudiyatham, Vellore District.

+1cc to Mr.J.Chandran, Advocate, S.R.No.13031

C.M.A.No.652 of 2011

RSI (CO)
CS/16/07/2019

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