

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 18.09.2019
CORAM:
THE HONOURABLE MRS. JUSTICE R. HEMALATHA
CMA.No.1518 of 2014
and
M.P No.1 of 2014

United India Insurance Co. Ltd.,
Vellore.

.. Appellant/IInd Respondent

vs.

1.Perumal
2.J.Sugumar

.. Respondents/Claimant &
1st respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the decree and Judgment dated 31.03.2013 passed in MCOP.No.18 of 2012 on the file of the Motor Accidents Claims Tribunal / Subordinate Judge, Vaniyambadi at Vellore.

For Appellant : Mr.J.Chandran

For Respondents : Mr.A.Tamilvanan for R1
No Appearance - R2

JUDGMENT

The appellant, United India Insurance Company Limited is the 2nd respondent in MCOP No.18 of 2012 on the file of the Motor Accidents Claims Tribunal / Subordinate Judge, Vaniyambadi. The 1st respondent filed the above said claim petition under Section 166 of the Motor Vehicles Act seeking compensation of Rs.5,00,000/- for the injuries sustained by him in a road accident that took place on 10.09.2011.

2. The case of the claimant is that on 10.09.2011 at 3.30 p.m, when he was riding his motor cycle TVS 50 bearing Registration No.TN 23 P 1470 on Ambur - Vaniyambadi Road, a speeding auto bearing Registration No.TN 23 B Z 0612 belonging to the 1st respondent hit his two-wheeler, as a result of which, he fell down and sustained injuries. According to the claimant, the rash and negligent driving of the driver of the auto was the cause of the accident and that since it was insured with the

appellant by its owner (1st respondent), both of them are jointly and severally liable to pay compensation to the claimant.

3. The learned Motor Accidents Claims Tribunal / Subordinate Judge, Vaniyambadi, after analysing the evidence on record, awarded a compensation of Rs.1,41,000/- together with interest at the rate of 7% per annum to the claimant from the date of the claim petition. Aggrieved over the quantum of compensation awarded by the Tribunal, the United India Insurance Company Limited has filed the present appeal.

4. It is seen from the records that the 1st respondent / claimant has sustained fracture of both bones on his left leg and an operation was performed for fixing a steel plate. Dr. Selvanathan (PW2) has assessed partial permanent disability at 35%, as there was mal-union of bones. The claimant was aged 50 years on the date of accident and he was a vegetable vendor. The Tribunal, after considering all the aspects of the case, awarded a sum of Rs.1,41,000/- to the claimant which in the opinion of this Court cannot be said to be excessive. In the facts and circumstances of the case, the appeal filed by the appellant, United India Insurance Company Ltd is liable to be dismissed.

5. In the result,

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

(ii) The order passed by the Tribunal is upheld.

(iv) The appellant, United India Insurance Company Limited is directed to deposit the entire compensation awarded by the Tribunal i.e., Rs.1,41,000/- (less the amount already deposited) together with interest at the rate of 7% per annum from the date of claim petition till the date of deposit to the credit of MCOP.No.18 of 2012 on the file of the Motor Accident Claims Tribunal / Subordinate Court, Vaniyambadi, within a period of four weeks from the date of receipt of a copy of this order.

(v) On such deposit being made, claimant is at liberty to withdraw the same after following due process of law.

(vi) Consequently, the connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

uma

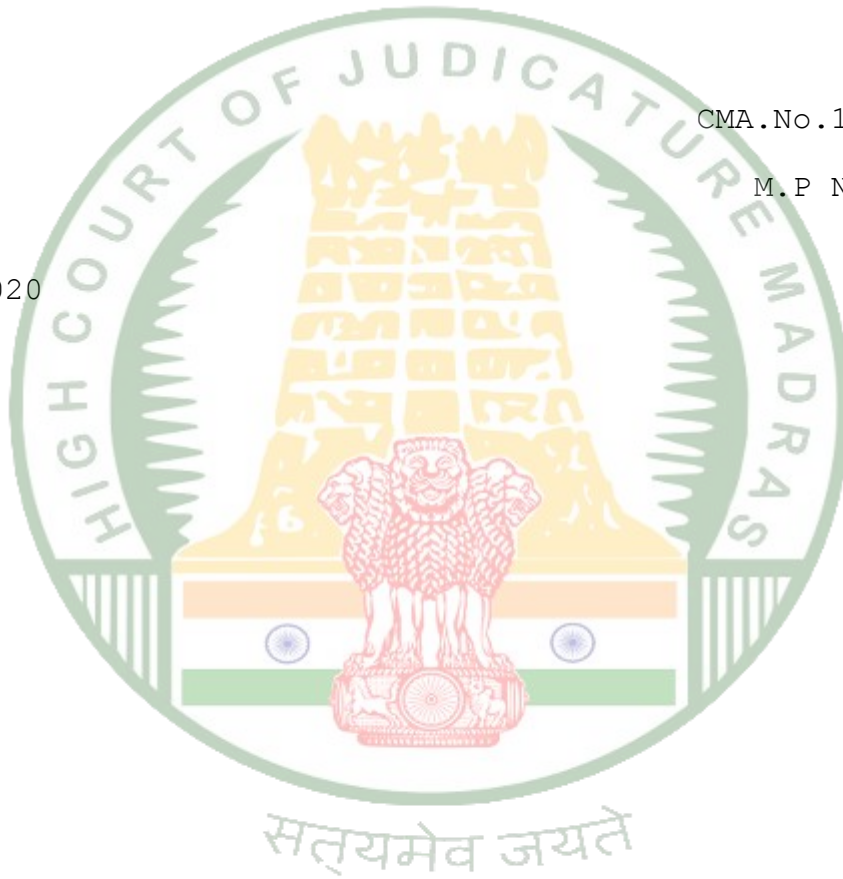
To

The Subordinate Judge
Motor Accidents Claims Tribunal,
Vaniyambadi at Vellore

copy to
The Section officer
VR Section
High Court
Madras

CMA.No.1518 of 2014
and
M.P No.1 of 2014

ssi(co)
aa27/02/2020



WEB COPY