



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 17.09.2019

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.M.A. (MD) .No.623 of 2013

WEB COPY

G.Krishnamoorthi

... Appellant

-Vs-

1.S.Ramachandran

2.New India Assurance Company Limited,
Jeeman Centre, 43A/2,
Promanade Road,
Trichy.

3. K.Muthusamy

4. United India Insurance Company Limited,
Namakkal.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the judgment and decree dated 29.01.1999 made in M.C.O.P.No.165 of 1997 on the file of the Motor Accident Claims Tribunal (I Additional District Judge cum Chief Judicial Magistrate), Tiruchirapalli.

For Appellant : No appearance
For R2 : Mr.B.Vijay Karthikeyan
For R4 : Mr.V.J.Kumaravel
For R1 TO 3 : No Appearance

J U D G M E N T

The Civil Miscellaneous Appeal has been filed challenging the judgment and decree passed by the Motor Accident Claims Tribunal (I Additional District Judge cum Chief Judicial Magistrate), Tiruchirapalli in M.C.O.P.No.165 of 1997, dated 29.01.1999.

2. When the matter was originally listed on 15.12.2017, no one represented by both sides. Thereafter, it was listed before this Court on various occasions and when the matter was listed on 06.08.2019 and 07.08.2019, no one appeared on behalf of the appellant. Thereafter, when the matter was listed on 03.09.2018, no one was appeared for the appellant. Hence, the matter was directed to be listed on 05.09.2019 under the caption 'for dismissal'. On 05.09.2019, when the matter was taken up for hearing, the learned counsel appearing for the appellant seeks time. But today no one appeared on behalf of the appellant.



3. This Court heard the submissions of the learned counsel appearing for the respondents 2 and 4 and perused the order passed by the Motor Accident Claims Tribunal and also the documents filed and marked before the Tribunal.

4. On perusal of the document, it is seen that the Tribunal has awarded a sum of Rs.50,000/- as compensation along with interest at the rate of 12% per annum and directed the fourth respondent / Insurance Company to deposit the said amount within two months. The claim of the appellant is Rs.1,00,000/-.

5. The appellant/claimant sustained injury, due to the accident occurred on 16.09.1996 and he was hospitalised and in this regard, he has also produced the documents and also examined the Doctor. The Tribunal, after taking into consideration of the nature of injuries sustained by the appellant and also the permanent disability of 28%, has awarded a sum of Rs.50,000/-. This Court is of the view that the award passed by the Tribunal is just and fair, which does not require any interference. Accordingly, the award passed by the Motor Accident Claims Tribunal (I Additional District Judge cum Chief Judicial Magistrate), Tiruchirapalli in M.C.O.P.No.165 of 1997, dated 29.01.1999, is confirmed and the Civil Miscellaneous Appeal is dismissed.

6. In view of the dismissal of the appeal, the fourth respondent / Insurance Company is directed to deposit the entire award amount with proportionate accrued interest and costs, to the credit of the claim petition, within a period of eight weeks from the date of receipt of a copy of this judgment, if not deposited already. On such deposit, the Tribunal is directed to transfer the said amount directly to the Personal Savings Account Number of the claimant by way of RTGS/NEFT system, after getting his Account Details, within a period of three weeks thereafter. No costs.

Sd/-

Assistant Registrar

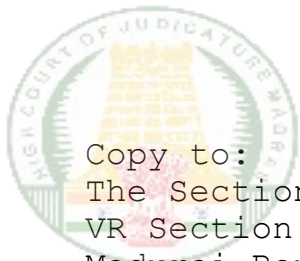
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Sub Assistant Registrar(CS)

akv

To

1. The I Additional District Judge
cum Chief Judicial Magistrate,
Motor Accident Claims Tribunal
Tiruchirapalli.



Copy to:
The Section Officer,
VR Section(2Copies),
Madurai Bench OF Madras High Court,
MAdurai

WEB COPY

+1 CC to MR.V.J.KUMARAVEL, Advocate (SR-87174[F] dated 17/09/2019)
+1 CC to MR.B.VIJAY KARTHIKEYAN, Advocate (SR-87620[F] dated
19/09/2019)

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