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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2020

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THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.1125 of 2008
and
M.P.No.1 of 2008
(Through Video Conferencing)

The United India Insurance Company Limited,
Nethaji Road, Manjakuppam,
Cuddalore - 607 001. ... Appellant/2nd Respondent

Vs.

1.P.Masilamani
2.A.Kanchana ... Respondents/Petitioner
and First Respondent

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Award and decree in M.A.C.T.O.P.No.449 of 2003, dated 03.08.2004, on the file of the Motor Accidents Claims Tribunal, Principal Sub-Judge, Cuddalore.

For Appellant : Mr.B.Satish Babu
For Respondents :
For R1 : No appearance
For R2 : Not ready in notice

JUDGMENT

The Insurance Company is the appellant in this appeal. It is aggrieved by the amount of compensation dated 03.08.2004 awarded by the Motor Accidents Claims Tribunal, (Principal Sub-Judge, Cuddalore) in M.A.C.T.O.P.No.449 of 2003.

2. By the impugned Judgment and Decree, the Tribunal has awarded a sum of Rs.2,40,000/-, together with interest at 9% per annum from the date of filing of the claim petition (09.12.2002), till the date of deposit of the amount to the first respondent/claimant.

3. There is no representation on behalf of the first respondent. Notice on the second respondent has remained unserved. Since no adverse order is proposed to be passed against the respondents, this appeal is taken up for hearing on merits.



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4. The main contention of the appellant/Insurance Company in this appeal is that the amount awarded towards permanent disability for an amount of Rs.1,00,000/- was excessive to the disability assessed by P.W.2-Doctor and not proportionate to the injuries suffered by the first respondent/claimant.

5. The learned counsel for the appellant/Insurance Company submits that as per the claim statement, the injuries suffered by the first respondent/claimant are as follows:-

- (a) Left Leg both bones fracture
- (b) Right hand palm torn-out
- (c) Multiple grievous injuries all over the body

6. Heard the learned counsel for the appellant. I have considered the evidences on record and the impugned Judgment and decree.

7. The conclusion of the Tribunal on the injuries suffered by the first respondent/claimant appears to be reasonable. The compensation awarded by the Tribunal for the injuries suffered by the first respondent/claimant appears to be a just compensation.

8. Therefore, I do not find any merits in this appeal. Accordingly, the present Civil Miscellaneous Appeal filed by the appellant/Insurance Company is dismissed.

9. The appellant/Insurance Company is therefore directed to deposit the award amount together with interest at 9% per annum from the date of filing of the claim petition till the date of such deposit, less if any amount already deposited by it, within a period of eight weeks from the date of receipt of the copy of this Judgment.

10. On deposit of the award amount, the first respondent/claimant is entitled to withdraw the same together with interest as directed by the Tribunal, less any amount already withdrawn, by filing suitable application before Tribunal. Connected Miscellaneous petition is closed. No cost.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar



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To:

The Motor Accidents Claims Tribunal,
Principal Sub-Judge,
Cuddalore.

Copy to

The Section Officer,
VR Section, High Court,
Madras-104.

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M.P.No.1 of 2008

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srg 19/08/2021