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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2020

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No. 2520 of 2010
and
M.P.No.1 of 2010
(Through Video Conferencing)

Branch Manager,
National Insurance Co. Ltd.,
54, Nehru Street,
I Floor, Villupuram.

... Appellant/2nd Respondent

Vs.

1. Dhanappan,
S/o.Ramalingam

...1st Respondent/Claimant

2. S.Chakravarthy,
S/o.Samikannu

...2nd Respondent/1st Respondent

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree in M.C.O.P.No.68 of 2001, dated 10.02.2003, on the file of the Motor Accidents Claims Tribunal, 1st Additional Subordinate Court, Cuddalore.

For Appellant : Mr.E.Rajadurai
for Mr.N.Vijayaraghavan

For Respondents:

For R1 : Not ready in notice

For R2 : Set exparte

JUDGMENT

The Insurance Company is the appellant in this appeal and is aggrieved by the impugned Judgment and Decree dated 10.02.2003 passed by the Motor Accidents Claims Tribunal, 1st Additional Subordinate Court, Cuddalore in M.C.O.P.No.68 of 2001.

2. By the impugned Judgment and Decree, the Tribunal has awarded a sum of Rs.2,45,617/- as compensation together with interest at 9% per annum from the date of filing of the claim petition (11.09.2000), till the date of payment (10.02.2003), to the first respondent/claimant, who met with an accident on 12.11.1999.



3. The nature of injuries suffered by the first respondent/claimant as per the the claim statement are as follows:-

- (i) Right side 3 rib bones fracture
- (ii) Lung Punctured
- (iii) Grievous injury on right shoulder
- (iv) Multiple injuries all over the body

4. The Tribunal after considering the evidences on record has assessed 40% permanent disability and after considering the age of the first respondent/claimant as 22 years has awarded the aforesaid compensation. The appellant/Insurance Company submits that the compensation awarded was in excess. There is no representation on behalf of the first respondent/claimant. Since no adverse orders are proposed to be passed against the first respondent/claimant, I take up this appeal and dispose it on merits.

5. I have perused the evidences on record and the impugned the Judgment and Decree. I find no infirmity in the compensation awarded by the Tribunal. I am therefore of the view that the impugned order passed by the Tribunal is liable to be uphold and accordingly it is uphold.

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

7. On deposit of the award amount, the first respondent/claimant is entitled to withdraw his respective share, together with interest as directed by the Tribunal, less any amount already withdrawn, by filing suitable application before the Tribunal.

8. With the above observation and direction, this Civil Miscellaneous Appeal is dismissed. No cost. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar



arb

Notes:-In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To:

The Motor Accidents Claims Tribunal,
1st Additional Subordinate Court, Cuddalore.

C.M.A.No.2520 of 2010
and
M.P.No.1 of 2010

SS(CO)
CB(12/08/2021)