

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2020

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.391 of 2010

and

M.P.No.1 of 2010

(Through Video Conferencing)

The Divisional Manager,
United India Insurance Company Limited,
Nethaji Road,
Manjakuppam,
Cuddalore - 607 001. Appellant/Respondent-II

Vs.

1. JayalakshmiIst Respondent/Petitioner and
2. S.Rathinasabapathy2nd Respondent/Ist respondent
3. C.Selvaraj3rd Respondent/3rd respondent

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree in M.C.O.P.No.1289 of 2007, dated 11.08.2009, on the file of the Motor Accidents Claims Tribunal, 2nd Additional Subordinate Judge, Cuddalore District.

For Appellant : Mr.J.Chandran

For Respondents

For R2 : Mr.T.Gopinath

For R3 : Mr.K.Srinivasan

JUDGMENT

The Insurance Company is the appellant in this appeal and is aggrieved by the impugned Judgment and Decree dated 11.08.2009 passed by the Motor Accidents Claims Tribunal (2nd Additional Subordinate Judge, Cuddalore District) in M.C.O.P.No.1289 of 2007.

2. By the impugned Judgment and Decree, the Tribunal has awarded a meagre sum of Rs.15,000/- together with interest at 7.5% per annum as compensation, from the date of claim petition till the date of deposit, to the first respondent/claimant who suffered injuries when she was selling fish along with her grand daughter at the time of accident.

3. The first respondent/claimant had claimed a sum of Rs.5,00,000/- as compensation before the Tribunal. After considering the evidences on record, the Tribunal has awarded a meagre sum of Rs.15,000/- as compensation. I find no reasons to interfere with the impugned Judgment and Decree passed by the Tribunal.

4. If the amount of compensation awarded by the Tribunal has not been deposited by the appellant Insurance Company, it is directed to deposit the same together with interest at 7.5% 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. The first respondent/claimant is entitled to withdraw the same together with interest by filing suitable application before the Tribunal, if the award amount has not been already withdrawn by her as per the impugned Judgment and Decree.

5. In the light of the above, this Civil Miscellaneous Appeal filed by the appellant Insurance Company is dismissed. No cost. Consequently, connected Miscellaneous petition is closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

arb

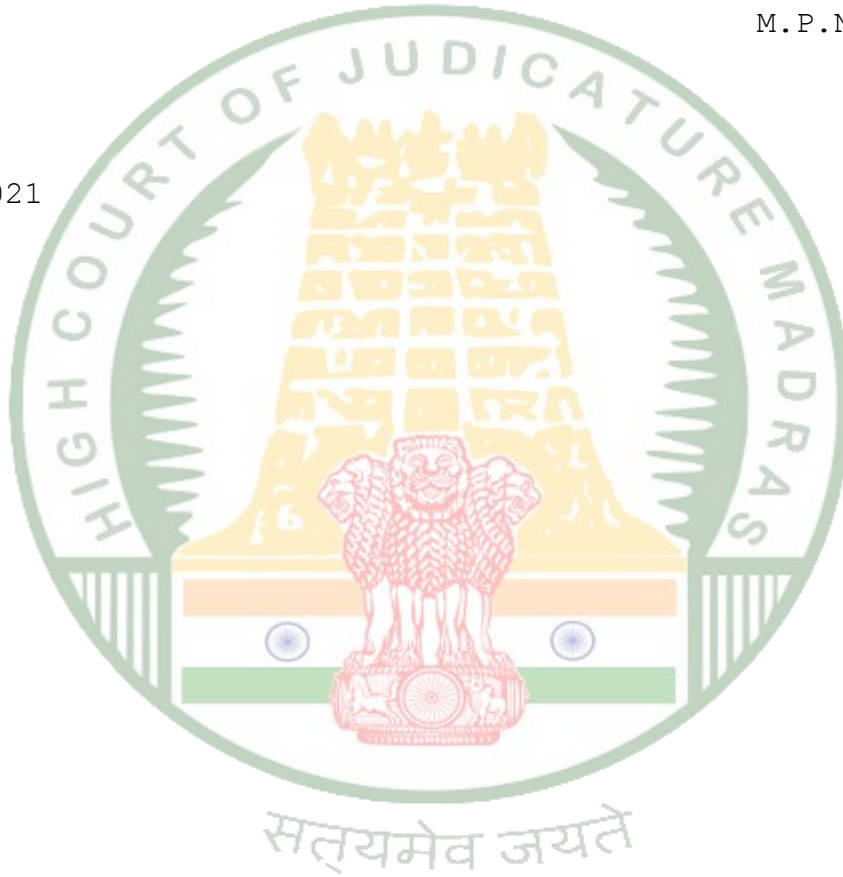
To: The Motor Accidents Claims Tribunal,
2nd Additional Subordinate Judge,
Cuddalore District.

Copy to
The Section Officer
VR Section
High Court, Chennai-104

+1 cc to Mr.J.Chandran Advocate sr26019

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