

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 30.07.2020
CORAM
THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE
C.M.A.No.963 of 2012

United India Insurance Company Ltd.,
Chennai.

... Appellant/2nd Respondent
..Vs..

1. P.Pannerselvam
2. P.Murugan
3. S.Jaya

... Respondents/Petitioner and
1st and 2nd Respondents

Prayer: Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicles Act, 1988, against the award and decree dated 18.04.2005 made in MCOP. No.27 of 2004 On the file of the Motor Accident Claims Tribunal, Sub-Judge, Ponneri.

For Appellant : Mr.S.Arunkumar
For Respondents: Not ready in notice - R2 & R3

JUDGMENT

(This Appeal was taken up for hearing through Video Conferencing)

This appeal has been filed by the Insurance company challenging the impugned award dated 18.04.2005 passed by the Motor Accident Claims Tribunal (Sub Judge), Ponneri in MCOP.No.27 of 2004.

2. The appellant/Insurance Company has also challenging the quantum of compensation awarded to the claimants under the impugned award.

3. Heard Mr.S.Arunkumar, learned counsel for the appellant/Insurance company.

4. The learned counsel for the appellant submitted that the appellant is not aggrieved by the finding given by the Tribunal that the vehicle, which is insured by them, is alone responsible for the cause of the accident.

5. The Tribunal, under the impugned award has directed the appellant insurance company to pay the claimants a sum of

Rs.1,05,000/- together with interest and costs as detailed hereunder:

Sl.No.	Heads	Awarded by the Tribunal (Rs.)
1	Loss of earning	81,000/-
2	Pain and suffering	10,000/-
3	Extra nourishment	10,000/-
4	Transportation charges	3,000/-
5	Clothing	1,000/-
	Total	1,05,000/-

6. Before the Tribunal, the claimant, who is the first respondent in this appeal, has filed twelve documents, which were marked as Exs.P1 to P12 and two witnesses were examined on his side, namely, the claimant himself as PW1 as well as the doctor (PW2), who treated him. On the side of the appellant/Insurance Company, neither any document was filed nor any witness examined before the Tribunal.

7. The accident had happened on 13.09.2003. The claimant has sustained fracture in the lower end of radius right Volar Barton and multiple injuries all over the body as a result of the accident caused by the insured vehicle. The claimant was a Head Constable, aged about 43 years, working with Tamil Nadu Police Department at Redhills Police Station, Redhills, Chennai-52 at the time of the accident. He was earning Rs.7,254/- per month at the time of the accident, which is also supported by his salary certificate, which was marked as Ex.P9 before the Tribunal.

8. Considering the year of the accident and the nature of injuries sustained by the claimant as well as the salary which he was drawing from the Police Department, the Tribunal has awarded a compensation of Rs.1,05,000/- under various heads to the claimant. No contra evidence has been produced by the appellant/Insurance company by the appellant before the Tribunal.

9. This being the case and considering the fact that the compensation awarded by the Tribunal under various heads, amounting to Rs.1,05,000/- being a just compensation, there is no scope for interference by this Court and the grounds raised by the appellant in this appeal does not deserve any merit in this appeal. Accordingly, this Appeal shall stand dismissed.

10. The Appellant/Insurance Company is directed to deposit the Award amount together with interest from the date of claim petition till the date of deposit and costs to the claimant/first respondent as assessed by the Tribunal, after deducting the amount, if any, already deposited to the credit of MCOP.No.27 of 2004, within a period of four weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the Tribunal is directed to transfer the amount to the bank account of the first respondent/claimant through RTGS within a period of two weeks thereafter. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

rli

To
1.The Sub Judge,
The Motor Accident Claims Tribunal,
Ponneri

2. The Section Officer
V.R.Section, High Court of Madras.

+1 cc to Mr.S.Arunkumar Advocate sr25695

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