

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.03.2020

CORAM:

THE HON'BLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.2307 of 2014

Jainubee

...Appellant/Petitioner

Vs

1.S. Karthikeyan

2. Oriental Insurance Company Limited,
No.115/16, Second Floor, Oriental House,
Prakasam Salai, Broadway,
Chennai-108

...Respondents/Respondents

Prayer: Civil Miscellaneous Appeals filed under Section 173 of Motor Vehicle Act, 1988, against the Judgement and decree dated 22.04.2014 and made in M.A.C.T.O.P.No.1153 of 2013 on the file of the Motor Accident Claims Tribunal V Court of Small Causes, Chennai.

For Appellant : Mr.F.Terry Chella Raja
For R2 : Mr.J.Chandran

JUDGMENT

This Civil Miscellaneous Appeal is filed against the award dated 22.04.2014 made in M.A.C.T.O.P.No.1153 of 2013 on the file of the Motor Accident Claims Tribunal V Court of Small Causes, Chennai.

2.The appellant is the claimant in M.A.C.T.O.P.No.1153 of 2013 on the file of the Motor Accident Claims Tribunal V Court of Small Causes, Chennai. She filed the above claim petition, claiming a sum of Rs.6,00,000/- as compensation for the injuries sustained by him in the accident that took place on 06.07.2011.

3.According to the appellant, on 06.07.2011 at about 10:30 a.m, when the appellant was walking near the Lakshmi Theatre, Pallavaram, a Motor Cycle bearing Registration No.TN-22-AX-3098 came in a rash and negligent manner and hit the appellant. Due

to the impact, the appellant sustained grievous injuries. The accident has occurred only due to rash and negligent driving by the rider of the motor cycle. Therefore, the appellant has filed the above claim petition, claiming compensation for the injuries.

4.The second respondent/Insurance Company filed counter statement and denied the manner of accident and injuries sustained by the appellant.

5.Before the Tribunal, the appellant examined herself as P.W1 and Dr.M.Saravanabavanandhan was examined as P.W.2 and marked nine documents as Exs.P1 to P9 to prove the negligence on the part of the first respondent and nature of injuries sustained by her.

6.The Tribunal, considering the pleadings, oral and documentary evidence let in by the appellant, held that the accident has occurred due to rash and negligent driving by the rider of the motorcycle and directed the second respondent/Insurance Company to pay a sum of Rs.4,74,000/- as compensation to the appellant/claimant.

7.Not being satisfied with the quantum of compensation awarded by the Tribunal, the appellant has come out with the present appeal for enhancement of compensation.

8.Heard the learned counsel appearing for the appellant as well as the learned counsel appearing for the second respondent/Insurance Company and perused the materials available on record.

9. It is seen from the records that this Court by the Judgment passed in C.M.A.No.186 of 2015 and M.P.No.1 of 2015 dated 26.03.2019 filed by the Insurance Company/second respondent herein, had confirmed the award of the Tribunal, wherein the Tribunal had fixed the negligence on the part of the rider of the motor cycle and directed the Insurance Company to pay the compensation awarded by the Tribunal. In view of the same, the appellant is not entitled to any enhancement of compensation.

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10.In the result, this Civil Miscellaneous Appeal is dismissed and the award passed by the Tribunal in M.A.C.T.O.P.No.1153 of 2013 on the file of the Motor Accident Claims Tribunal V Court of Small Causes, Chennai is confirmed. No Costs.

Sd/-
Assistant Registrar (CS V)

/true copy/
Sub Asst. Registrar

smn

To

1.V Judge Court of Small Causes,
The Motor Accident Claims Tribunal,
Chennai.

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

+1 cc to M/s.M.Malar Advocate sr22281

+1 cc to Mr.J.Chandran Advocate sr22073

C.M.A.No.2307 of 2014

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