

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A. No. 818 of 2017

Kanniyappan

.. Appellant /Petitioner

Vs.

1. Ganesh Pillai

2. The Oriental Insurance Company Ltd.

No.115, Prakasam Salai

Broadway, Chennai - 1.

... Respondents
(The 1st Respondent exparte in Lower Court,
hence notice maybe dispense with)

Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree in M.C.O.P. No. 2657 of 2010 dated 13.08.2014 on the file of the Motor Accident Claims Tribunal, III Small Causes Court, Chennai.

For Appellant : Mr. K.Varadhakamaraj

For Respondents : R1- Exparte
Mr. P.Kandasamy (For R2)

O R D E R

The award dated 13.08.2014 passed in M.C.O.P. No. 2657 of 2010 is under challenge in the appeal on hand.

2. The accident occurred on 21.03.2010 at about 23.10 hours in Gandhimandapam Road, Opposite to Nittr. Staff Quarters. A case was registered in Crime No. 132/AM3/2010 and on account of the accident, the claimant sustained injury on his left hand both bone fracture and multiple injuries all over the body.

3. The Tribunal adjudicated the issues with reference to the documents and evidences produced by the respective parties. The Tribunal arrived a conclusion that the first respondent's motor cycle bearing registration no. TN-70-S-6207 was responsible for the accident. The policy coverage was also established by the claimant.

4. However the fact remains that there is no evidence to show that the appellant /claimant has sustained serious injuries and taken treatment. In the absence of any evidence to establish the grievous injury the claimant is not entitled for the claim amount as such set out in the claim petition. The Tribunal has considered the nature of the injuries as minor and granted a sum of Rs.25,000/- compensation and accordingly, awarded a sum of Rs.25,000/-.

5. On perusal of the entire proceedings of the Tribunal, there is no perversity and infirmity as such and the Tribunal has considered the issues with reference to the documents as well as the evidences produced by the respective parties and therefore, this Court is not inclined to interfere with the quantum of award granted by the Tribunal and accordingly, the decree and judgment dated 13.08.2014 in M.C.O.P. No. 2657 of 2010 is confirmed and C.M.A. No. 818 of 2017 stands dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

may a

To

1.The III Small Causes Court
Motor Accident Claims Tribunal
Chennai.

CC: The Section Officer,
VR Section, High Court, Madras.

+1cc to Mr.K.Varadha Kamaraj, Advocate SR.21317
+1cc to Mr.P.Kandasamy, Advocate SR.21010.

C.M.A. No. 818 of 2017

RK(CO)
CB(10/06/2020)

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