



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 04.11.2020

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WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.M.A(MD)No.385 of 2008

S.Kadambavanam

.. Appellant/Petitioner

vs.

1.V.Kannan

2.National Insurance Company Ltd.,
Thuthukudi.

3.United India Insurance Company Ltd.,
254, Goods Shed Street,
Madurai - 625 002.

...Respondents/Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act 1988 against the Judgment and Decree of the Motor Accidents Claims Tribunal, (Principal Subordinate Judge) Madurai dated 2.3.2007 made in MCOP No.1283 of 2001.

For Appellant	:	No appearance
For Respondents	:	Mrs.P.Malini (for R2) Mr.S.Natarajan (for R3) R-1 Dismissed vide court order dated 28.06.2018

J U D G M E N T

Dissatisfied with the quantum awarded by the Motor Accident Claims Tribunal (Principal Sub-Judge), Madurai, in MCOP No.1283/2001, dated 02.03.2007, the claimant has preferred this appeal seeking enhancement of compensation.

2.It is the case of the claimant that on 17.08.2000, at 04.15 p.m, he was travelling as a pillion rider in a two wheeler from Valayankulam to Madurai. When the vehicle was proceeding near Venkateswara Theater, a Lorry bearing registration No.TN-69-T-4034, which came from opposite direction, driven by its driver in a rash and negligent manner, dashed against the two wheeler. In the accident, rider of the vehicle died on the spot and the claimant sustained injuries and fracture in his right leg. Immediately, he was admitted at the Rajaji Government Hospital, Madurai. According to him, at the relevant time, he was working as labour in a private garments and was earning Rs.3,000/- per month.



3. Heard Mrs.P.Malini, learned standing counsel for the second respondent and Mr.S.Natarajan, learned standing counsel for the third respondent. No representation for the appellant/claimant.

4. It is seen from the records that initially, the claim petition was filed on 14.11.2000 without impleading the third respondent, who is the necessary party. Thereafter, an impleading petition had been filed on 17.11.2005 to implead the third respondent and the said petition was allowed and the third respondent was impleaded.

5. It is not in dispute that the claimant herein suffered injury in the accident that had taken place on 17.08.2000. Ex.P.3 Medical Report, Ex.P.4-Wound Certificate and Ex.P.5 X-ray were also produced before the Tribunal to substantiate his case. The Tribunal, on appreciation of evidence adduced by the parties, awarded Rs.94,500/- along with interest at the rate of 7.5% per annum from the date of filing of the impleading petition i.e., 17.11.2005 till the date of realization.

6. A perusal of the records show that the quantum awarded by the Tribunal is reasonable. The law is well settled that the Insurance Company is liable to pay compensation along with interest from the date of filing of the claim petition. Hence, the interest portion alone is modified. Accordingly, the third respondent is liable to pay compensation of Rs.94,500/- along with interest at the rate of 7.5% per annum from the date of filing of the claim petition till the date of realization. The compensation amount awarded by the Tribunal is confirmed.

7. The third respondent - Insurance Company is directed to deposit the above award amount with accrued interest and costs, less the amount already deposited, before the Tribunal within a period of eight weeks from the date of receipt of a copy of this Judgment. On such deposit, the claimant is permitted to withdraw the award amount, less the amount already withdrawn, if any, together with proportionate interest and costs.

8. With the above modification, the civil miscellaneous appeal is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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To

1.The Principal Subordinate Judge,
Motor Accident Claims Tribunal,
Madurai.

2.The Record Keeper, (2 copies)
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mrs.P.Malini ,Advocate Sr.No.21229

+1cc to Mr.S.Natarajan, Advocate Sr.No.21244

JUDGMENT MADE IN
C.M.A (MD) No. 385 of 2008
04.11.2020

VB (18.02.2021) 3P 6C