



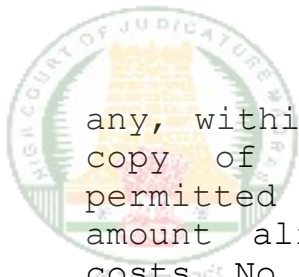
2. Both rider and pillion rider of a Motorcycle bearing registration No.TN67 Y1343 are the claimants. It is their case that on 23.03.2001, they were proceeding in the said Motorcycle along Batlagundu - Periyakulam from west to east direction. At that time, a Bus bearing registration No.TN60 A6142 owned by the second respondent herein and insured with the appellant - Insurance Company was going on the same direction in front of the Motorcycle and stopped suddenly without showing any signal and hence, the Motorcycle hit against the Bus and thereby, the claimants fell down and sustained injuries. The claimant in M.C.O.P.No.372 of 2002 sought compensation of Rs.50,000/- and the claimant in M.C.O.P.No.382 of 2002 sought compensation of Rs.1,00,000/-.

3. The appellant - Insurance Company contested the cases before the Tribunal on the ground that the rider of the Motorcycle was responsible for the accident and they cannot blame the driver of the Bus. It was also stated that the compensation amounts sought for by the claimants are exorbitant and excessive, since both of them sustained only minor injuries.

4. Both the claimants gave evidence as P.Ws.1 and 2. In their evidence, they have spoken about the manner of accident and they also produced Ex.P1 - First Information Report, Exs.P2, P3, P5 & P6 - Wound Certificates, Ex.P4 - Discharge Summary. On the other hand, no contra evidence was produced by the appellant - Insurance Company to establish that the rider of the Motorcycle caused the accident. Therefore, the Tribunal placing reliance on the evidence of P.Ws.1 and 2 and Ex.P1, held that the driver of the Bus is responsible for the accident.

5. With regard to quantum, the claimants examined Dr.Vijayakumaran as P.W.3 and produced Exs.P7 & P9 - Disability Certificates and also Exs.P8 & P10 - X-Rays. These medical records would reveal that both claimants sustained injuries and the Doctor assessed the disability of the claimant in M.C.O.P.No.372 of 2002 as 25% and the claimant in M.C.O.P.No.382 of 2002 as 37%. Based on these evidence, the Tribunal awarded compensation of Rs.30,000/- in M.C.O.P.No.372 of 2002 and Rs.67,000/- in M.C.O.P.No.382 of 2002. After going through the records, I am of the opinion that the award of the Tribunal is reasonable and the same does not warrant any interference of this Court.

6. In that view, the civil miscellaneous appeals are dismissed, as devoid of merits. Since the appeals are dismissed, the appellant - Insurance Company is directed to deposit the entire award amount in respect of both claim petitions with ~~as and costs, less the amount already deposited, if~~ ~~as and costs, less the amount already deposited, if~~



any, within a period of eight weeks from the date of receipt of a copy of this Judgment. On such deposit, the claimants are permitted to withdraw their respective award amount, less the amount already withdrawn, if any, together with interest and costs. No costs.

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Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

KRK

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the Judgment may be utilized for official purposes, but, ensuring that the copy of the Judgment that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To:

- 1.The Principal Sub Judge,
Motor Accident Claims Tribunal,
Dindigul.
- 2.The Record Keeper-2 copies
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+2 cc to Mr.J.S.Murali , Advocate SR.No.26471&26472

C.M.A. (MD) No.681 & 682 of 2009

16.12.2020

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KM (04.01.2021) 3P 6C