



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 20.01.2020

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THE HONOURABLE MRS. JUSTICE R. THARANI

C.M.A.(MD)No.1086 of 2018

Antonyammal

..Appellant/Claimant

Vs.

1.Venkatraman

2.The Branch Manager,
National India Insurance Company,
No.5A, Sub Collector Office Road,
Opp. District Court,
Dindigul,
Dindigul district.

.. Respondents/Respondents

Prayer: This Civil Miscellaneous Appeal filed under Section 173 of M.V.Act of 1988, to allow the appeal by enhancing the compensation in M.C.O.P.No.2052 of 2014 dated 04.08.2018 on the file of the Motor Accidents Claims Tribunal /Chief Judicial Magistrate, Trichirappalli.

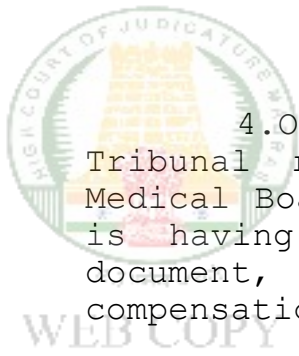
For Appellant	: Ms.V.T.Vinitha
For 2 nd Respondent	: Mr.J.S.Murali
For 1 st Respondent	: No Appearance

JUDGMENT

Heard learned counsel appearing on either side.

2.This Civil Miscellaneous Appeal has been filed against the order passed in M.C.O.P.No.2052 of 2014 dated 04.08.2018 on the file of the Motor Accidents Claims Tribunal /Chief Judicial Magistrate, Trichirappalli.

3.The petition before Motor Accidents Claims Tribunal/Chief Judicial Magistrate, Trichirappalli was filed seeking compensation for the injuries sustained by the petitioner on 22.09.2014 at about 02.00 p.m., when she was walking along the Manaparai bypass road, a Mahendra Bolero van dashed against her and caused injuries. The petitioner claims Rs.3,00,000/- as compensation. The Tribunal passed an award of Rs.44,208/- (Rupees Forty Four Thousand Two Hundred and Eight only). Against which, the appellant preferred an appeal.



4.On the side of the appellant, it is stated that the Tribunal referred the appellant to undergo examination by the Medical Board and the Medical Board certificated that the appellant is having 50 % permanent disability. Without considering the document, the Tribunal has awarded a meagre sum towards compensation.

5.On the side of the second respondent, it is stated that the certificate issued by the Medical Board is not mentioned in the grounds of appeal. No document regarding the disability is marked before the Tribunal. The Doctor was not examined and there is nothing sufficient reason to interfere in the orders passed by the Tribunal.

6.It is seen that the Tribunal referred the matter to the Medical Board. The Medical Board has fixed the disability as 50 %. Unfortunately the appellant failed to examine the Doctor and failed to mark the Court document.

7.The relief under Motor Vehicles Act is for the benefit of the victims of the Motor Accident. Hence, an opportunity for the appellant to put forth her case is to be given in the interest of justice.

8.In the above circumstances, the matter is to be remitted back to the Tribunal for giving an opportunity for the appellant to mark that document and to examine the Doctor. The award passed by the Tribunal is set aside and the case is remitted back to the Tribunal for fresh disposal after giving opportunity to both the parties to adduce fresh evidence and to mark the documents.

9.With the above direction, this Civil Miscellaneous Appeal is allowed and the order passed in M.C.O.P.No.2052 of 2014 dated 04.08.2018 on the file of the Motor Accidents Claims Tribunal /Chief Judicial Magistrate, Trichirappalli is set aside. No Costs.

Sd/-

Assistant Registrar (CS-III)

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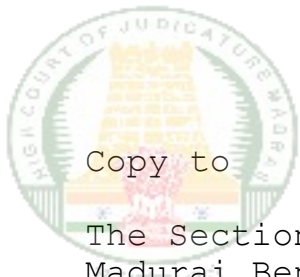
/ /2020

Sub Assistant Registrar(CS)

MRN
To

The Motor Accidents Claims Tribunal /Chief Judicial Magistrate,
Trichirappalli.

<https://hcservices.ecourts.gov.in/hcservices/>



Copy to

The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai (2 copies)

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+1 CC to Mr.J.S.MURALI, Advocate (SR-2179[F] dated 21/01/2020)

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