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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.1731 of 2020

Palanisamy,
S/o.Maran

...Appellant / Petitioner

Vs.

1.Sengodan,
S/o.Chettiyagoundar

2.The National Insurance Co., Ltd.,
19/B, S.R.Complex, Rajamani Thottam,
Bhavani Main Road, NH-47,
Sankari Taluk, Salem District - 637 301.

3.The National Insurance Co., Ltd.,
1272-1273, Palaniyappa Complex,
Mettur Road, Erode - 638 011.

...Respondents / Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree dated 10.03.2020 made in M.C.O.P.No.194 of 2018 on the file of the Motor Accidents Claims Tribunal, Special District Judge Court, Erode.

For Appellant : Mr.T.S.Arthanareeswaran

For Respondents :

For R1 : No appearance

For R2 & R3 : Ms.N.B.Surekha

JUDGMENT

The claimant is the appellant in this appeal. He has filed this appeal for enhancement of compensation ordered in the impugned Judgment and decree dated 10.03.2020 passed by the Motor Accidents Claims Tribunal, Special District Judge Court, Erode in M.C.O.P.No.194 of 2018.



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2. By the impugned Judgment and decree, the Tribunal has awarded a sum of Rs.2,14,625/- as compensation. In this appeal, the appellant/claimant has sought for another enhancement of Rs.1,50,000/- over and above the aforesaid amount awarded by the Tribunal.

3. It is submitted by the learned counsel for the appellant/claimant that the Tribunal erred in awarding the aforesaid amount without considering all the facts and circumstances of the case. It is submitted that even though the Tribunal found the accident occurred only due to rash and negligent act of the driver of the lorry(Multi Axle Goods - Tusker Lorry) bearing Registration No.TN-30-U-8312, the Tribunal has awarded a very meagre sum as compensation.

4. The learned counsel for the appellant/claimant further submitted that the rough sketch clearly shows that the accident occurred on the extreme left side of the road, and the appellant/claimant drove the vehicle cautiously, the Tribunal has however wrongly fixed 30% contributory negligence on the part of the appellant/claimant.

5. The learned counsel for the 2nd and 3rd respondents submits that the impugned Judgment and decree passed by the Tribunal is well-reasoned and requires no interference. She further submits that the award amount has also been deposited to the credit of the M.C.O.P.No.194 of 2018 on 14.10.2020.

6. Heard the learned counsel for the appellant and the 2nd and 3rd respondents. I have perused the impugned Judgment and decree. I have also perused the exhibits which were marked before the Tribunal.

7. The Tribunal has come to a just conclusion by quantifying a sum of Rs.2,14,625/- as compensation after deducting 30% towards contributory negligence on the part of the appellant/claimant. Therefore, there is no merits in the present appeal.

8. Considering the above, I am inclined to confirm the award passed by the Tribunal and dismiss this appeal filed by the appellant/claimant. Accordingly, this Civil Miscellaneous Appeal filed by the appellant/claimant is dismissed.



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9. It is mentioned that the 2nd respondent/Insurance Company has already deposited the compensation awarded by the Tribunal. Therefore, the appellant/claimant is permitted to withdraw the same together with interest accrued thereon, by filing appropriate application before Tribunal. No costs.

Sd/-
Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar

arb

To:

The Motor Accidents Claims Tribunal,
Special District Judge Court, Erode.

Copy To

The Section Officer,
Vernacular Section,
Madras High Court.

+1cc to M/s.N.B.Surekha, Advocate SR.No.26673

C.M.A.No.1731 of 2020

CP(CO)
RVM(14/09/2021)