



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

CMA.No.371 of 2014
and
M.P No.1 of 2014

National Insurance Co. Ltd.,
Murugan Complex
K.K Road
Villupuram.

...Appellant/2nd Respondent

Vs.

1.Dhanusu
2.Kasinathan
3.Srikanth
4.M/s.Oriental Insurance Co. Ltd
Regional Office
U.I.L Building, IV Floor
No.8, Esplanade
Chennai-8.

... 1st Respondent/Claimant

...2 to 4 Respondents/1,3,4 Respondents

Prayer: This Civil Miscellaneous Appeal has been filed under Section 173 of the Motor Vehicles Act, 1988, against the decree and judgment dated 24.01.2012 passed in M.C.O.P.No.4 of 2010 by the Motor Accident Claims Tribunal, (Chief Judicial Magistrate), Villupuram.

For Appellant : Ms.Janani
for Mr.J.Chandran

For Respondents : No Appearance for R1 & R4
Notice unserved to R2 & R3

J U D G M E N T

This appeal has been filed by the appellant/insurance company challenging the award passed by the Tribunal on the ground of quantum.



2. According to the appellant, MCOP Nos. 4 of 2010, 5 of 2010, 6 of 2010 and 123 of 2008 were filed by the respective claimants seeking for compensation for the injuries sustained by them in a road accident that took place on 02.07.2004. The Tribunal awarded the compensation amount to all the claimants and challenging the award passed by the Tribunal, the insurance company has preferred appeals before this Court and one of the appeal in CMA No.371 of 2014 was taken up today for final disposal.

3. The learned counsel for the appellant/insurance company would submit that similar appeals were filed by the appellant/insurance company and the same were dismissed by this Court. In the present case on hand, the Tribunal has fixed excessive amount and awarded a sum of Rs.12,000/- which is exorbitant and therefore, challenging the award passed by the Tribunal, the present appeal has been filed before this Court.

4. On considering the grounds raised in the appeal and the submissions made by the learned counsel for the appellant in the instant appeal, it reveals that the claimant has filed MCOP No.4 of 2010 and considering the nature of simple injury sustained by the claimant, the Tribunal has awarded a sum of Rs.12,000/- and the same was directed to be paid equally by the appellant as well as the 2nd respondent each Rs.6,000/- to the claimant. In similar matters, appeals were preferred by the insurance company and the order passed by the Tribunal was confirmed by this Court. On considering the amount involved in the claim petition, there is no substantial grounds to be raised in the instant appeal and therefore, the award passed by the Tribunal does not warrant interference by this Court and the same is confirmed.

5. In the result,

(i) This Civil Miscellaneous Appeal preferred by the appellant/insurance company is dismissed and the compensation awarded by the Tribunal at Rs.12,000/- together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit is confirmed.

(ii) The appellant/insurance company is directed to deposit 50% of the award amount along with interest and costs, less the amount already deposited, within a period of six weeks from the date of receipt of a copy of this judgment and recover the same from the second respondent/owner of the vehicle. The respondents 3 & 4 are directed to deposit 50% of the remaining compensation as awarded by the Tribunal.

(iii) On such deposit, the first respondent/claimant is permitted to withdraw the award amount along with interest fixed



by the Tribunal, after adjusting the amount, if any, already withdrawn, by filing necessary applications before the Tribunal. No costs. Consequently, connected Miscellaneous Appeal is closed.

WEB COPY

Sd/-
Assistant Registrar(CS II)
//True Copy//

Sub Assistant Registrar

uma

To

1. The Motor Accident Claims Tribunal,
(Chief Judicial Magistrate), Villupuram.

Copy to :

The Section Officer,
V.R.Section,
Madras High Court,
Chennai-104.

+1CC to Mr.J.Chandran, Advocate, Sr.No.20661

CMA. No.371 of 2014
and
M.P No.1 of 2014

AJB (CO)
K.RK. (29.09.2021)