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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

C.M.A.No.689 of 2014
and M.P.No.1 of 2014

Ragupathy

..Appellant/6th Respondent

Versus

1. P.Saravanan
2. Palani
3. United India Insurance Company,
Branch Office at 19/2,
Sooramangalam Main Road,
Salem - 5.
4. R.Murugavel
5. Cholamandalam M.S.General Insurance
Company Limited,
Motor Insurance Cover Note No.770035,
Erode - 638 009.
6. Amirthalingam

..Respondents/Petitioner
and RR 1 to 5

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, to set aside the judgment and decree made in M.C.O.P.No.168 of 2006 dated 22.03.2012 on the file of II Additional Subordinate Judge, Salem.

For Appellant : Mr.J.Sudhakaran

For Respondents: Mr.D.Sivakumaran [for R1]
Mr.P.Jagadeesan [for R6]
Notice served [for RR3,2 &5]
Notice unserved [for R4]

J U D G M E N T

The Appellant has filed this appeal against the judgment and decree dated 22.03.2012 made in M.C.O.P.No.168 of 2006 on the file of the Motor Vehicle Accidents Claims Tribunal, II Additional Subordinate Judge, Salem.

2. According to the learned counsel for the appellant, the



appellant, who was impleaded as party in the claim petition, is the owner of the vehicle bearing Registration No. TN 27 8460. The claimant, who is the 1st respondent herein had filed the claim petition before the Tribunal for a sum of Rs.15,00,000/- towards compensation for the injuries sustained by him in the accident which occurred on 18.05.2005.

3. The Tribunal, on considering the oral and documentary evidence, had awarded a compensation of Rs.4,66,054/- to the claimant for the disability sustained by him in the accident.

4. According to the appellant, he is the owner of the vehicle bearing Registration.No.TN-27-8460, which was purchased by him from the 6th respondent. But the Tribunal without considering the case of the appellant, on considering other materials, had awarded the compensation amount to the 1st respondent/claimant holding that due to the rash and negligent driving of the driver of the appellant, the said accident happened and the claimant sustained 70% disability.

5. The appellant has raised several grounds in the appeal that the quantum of compensation awarded by the Tribunal is excessive and that there are no sufficient materials to award such huge compensation amount to the 1st respondent/claimant.

6. Considered the rival submissions and perused the materials on record.

7. On appraisal of the oral and documentary evidence placed by the 1st respondents/claimant, the Tribunal had rightly fixed the disability of the claimant at 70% . Taking note of the said disability of 70%, a sum of Rs.1000/- was awarded per percentage and therefore, there is no illegality or infirmity on the part of the Tribunal in awarding reasonable compensation to the claimant. Under the other heads, the Tribunal has also granted reasonable compensation amounts to the claimant and this Court finds no ground to interfere with the award passed by the Tribunal. Accordingly, the Civil Miscellaneous Appeal is dismissed. No order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

bri



To

The Motor Vehicle Accidents Claims Tribunal,
II Additional Subordinate Judge,
Salem.

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Copy To

The Section Officer,
V.R.Section,
High Court,
Madras.

+1cc to Mr.P.Jagadeesan, Advocate, S.R.No.11740
+1cc to Mr.S.D.Shivakumaran, Advocate, S.R.No.11957
+1cc to Mr.J.Sudhakaran, Advocate, S.R.No.11733

C.M.A.No.689 of 2014
and M.P.No.1 of 2014

PP (CO)
RGA (08/09/2021)