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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

C.M.A.No.3476 of 2021
and C.M.P.No.20087 of 2021

The Branch Manager,
Reliance General Ins. Co. Ltd.,
II Floor, Sri Abirami Towers, 438,
Cowley Brown Road,
R.S.Puram,
Coimbatore 641 002.

... Appellant

Vs.

1. P.Parthiban
2. P.Selvan
3. K.Selvam
4. K.Ilayavan

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, against the Judgment and Decree dated 17-04-2021 passed in M.C.O.P.No.203 of 2017, by the Motor Accident Claims Tribunal, Special Sub Court (MACT), Coimbatore.

For Appellant:Ms.C.Bhuvanasundari

J U D G M E N T

[Judgment of the Court was delivered by K.KALYANASUNDARAM, J.]

This appeal arises out of the order passed by the Motor Accident Claims Tribunal, Special Sub Court (MACT), Coimbatore, in M.C.O.P No.203 of 2017 dated 17.04.2021.

2.For the sake of convenience parties are referred to as per their ranking in the claim petition.



3.It is the case of the claimant that on 20.10.2015, when he was returning from Hope College towards his residence, by his motor cycle - Pulsar bearing Registration No.TN 37 CK 8411 and when proceeding on the Singanallur-Kamarajar Road from north to southern direction, at about 5.00 am., near the Ramanujar petrol bunk, on left side of road, the 1st respondent driven the offending vehicle - Auto rickshaw bearing Registration No.TN 37 AY 6148 from the opposite direction in a rash and negligent manner, with over speed, dashed against the motor cycle of the claimant. Due to which, the claimant sustained grievous injuries. Alleging that the accident had happened due to rash and negligent driving of the 1st respondent, the claimant laid a claim petition for compensation of Rs.50,00,000/- before the Tribunal.

4.The appellant/Insurance Company filed its counter disputing the manner of accident, age, avocation and income of the deceased and its liability to pay the compensation. It was also contended that the claim is excessive.

5.To substantiate the case, on the side of the claimants, witnesses P.W.1 and 2 were examined and Exs.P1 and 19 were marked. On the side of the appellant/Insurance Company, neither the witnesses were examined nor the documents were produced. Disability Certificate issued by the Medical Board, Government College, Coimbatore has been marked as Ex.C.1. Exhibits produced by the witnesses were marked as Ex.W.1 and 2.7

6.The Tribunal, after considering the oral and documentary evidence held that the 1st respondent was responsible for the accident and awarded compensation of Rs.39,47,700/- to the claimant.

7.Assailing the award passed by the Tribunal, the appellant/Insurance Company has filed the present appeal.

8.Heard Ms.C.Bhuvanasundari, learned counsel appearing for the appellant/Insurance Company, and perused the materials available on record.

9.This appeal has been filed only challenging the quantum, hence, the other issues need not be dealt with herein.

10.Though the learned counsel appearing for the appellant/Insurance company has contended that the award is on



the higher side by wrongly fixing excessive monthly income of Rs.15,000/- and it requires reduction, perusal of the records reveal that the Tribunal, on proper appreciation of evidence of pay slip (Ex.2), has awarded a just and reasonable compensation. We find no reason to interfere with the conclusion reached by the Tribunal. Hence, this appeal is liable to be dismissed.

11.In such view of the matter, this Civil Miscellaneous Appeal is dismissed as devoid of merits. The appellant/Insurance Company is directed to deposit the entire award amount with accrued interest 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 order. On such deposit, the claimant is permitted to withdraw the award amount, less the amount already withdrawn, if any, together with proportionate interest and costs. No costs. Consequently connected miscellaneous petition is closed.

SD/-

ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

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To

The Motor Accident Claims Tribunal,
Special Sub Court (MACT), Coimbatore.

Copy to

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

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