



WEB COPY

C.M.A(MD)NOS.257 and 258 of 2009

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.M.A(MD)NOS.257 and 258 of 2009

and

M.P(MD)Nos.2 and 2 of 2009

The Branch Manager
The United India Insurance
Company Limited,
Thanjavur

:Appellant/Respondent No.4
in both the appeals

.vs.

1.Bhaskar :Respondent/Petitioner No.1 in C.M.A
(MD)No.257 of 2009

2.S.Neelakandan :Respondent No.1/Petitioner in C.M.A
(MD)No.258 of 2009

3.C.Saravanan :Respondent No.2/Respondent No.1
in both the appeals

4.K.Karunakaran :Respondent No.3/Respondent No.2
in both the appeals

5.Rengasamy :Respondent No.4/Respondent No.3
in both the appeals.

COMMON PRAYER: Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicles Act against the common judgment and decrees made in M.C.O.P.Nos.121and 122 of 2004, dated 29.01.2007, on the file of the Motor Accidents Claims Tribunal, Additional Chief Judicial Magistrate, Thanjavur at Kumbakonam.

For Appellant : Mr.G.Prabhu Rajadurai
in both the appeals

For Respondent-1 : Mr.V.Chandrasekar
in both the appeals

For Respondents : No appearance
2,3 and 4
in both the appeals



COMMON JUDGMENT

These Civil Miscellaneous Appeals are directed against the common award passed by the Motor Accidents Claims Tribunal/Additional Chief Judicial Magistrate, Thanjavur at Kumbakonam passed in M.C.O.P.Nos.121 and 122 of 2004.

2.This is a case of injury. The rider and pillion rider of the motor cycle filed claim petitions seeking compensation for the injury sustained by them in the accident which had taken place on 6.2.3003. Though they claimed Rs.40,000/- and Rs.25,000/- respectively, the Tribunal has awarded Rs.10,000/- and Rs.25,000/- in the claim petitions.

3.According to the claimants, the accident occurred due to the negligence of the rider of TVS 50 motor cycle bearing Registration No.TN 49 2481.It appears that in the First Information Report, the vehicle Nos. have been given as TN 49 U 2418 and TN 49 D 3134. After investigation, the final report has been filed against the rider of the two wheeler bearing Registration No.TN 49 U 2481.Taking advantage of the mistake in the First information Report, the appellant had taken a defense that the vehicle was not involved in the accident.

4.The Tribunal, after analysis of the evidence adduced by the parties, found that the rider of the offending vehicle TN 49 U 2481 pleaded guilty and paid the fine amount before the Criminal Court and also considering the other aspects, held that the rider of the TVS 50 vehicle had caused the accident. Both the claimants produced Wound Certificate and other medical records to establish that they sustained injuries in the accident. I find that the award is based on materials produced by the claimants and it is very reasonable. Therefore, I find no merit in the Civil Miscellaneous Appeals.

5.In that view, the Civil Miscellaneous Appeals fail and they stand dismissed. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsn



Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

The Additional Chief Judicial Magistrate,
(Motor Accidents Claims Tribunal),
Thanjavur at Kumbakonam.

Copy to

The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.(2 copies)

+2 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-16554 & 16555[F]
dated 20/04/2021)

COMMON JUDGMENT MADE IN
C.M.A(MD)NOs.257 and 258 of 2009
and
M.P(MD)Nos.2 and 2 of 2009
19.04.2021

SRK(CO)

TR(09.06.2021) 3P 6C