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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16/3/2022

C O R A M

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU

C.M.A.Nos.1956 and 1957 of 2009  
and  
C.M.P.No.1 to 3 of 2009

National Insurance Company Limited  
152 Oppanakara Street  
Coimbatore 1.

...Appellant in both the appeals

Vs

1. K. Natarajan (died)
2. R. Sakthivel
3. R. Bhaskaran
4. Ramathal
5. Chitra
6. Kavitha

...Respondents in C.M.A.No.1956 of 2009

(R.R.4 to 5 were brought on record as L.Rs of the deceased  
R.1 vide Court order dated 3/3/2022 made in M.P.Nos.  
1 to 3 of 2011 in C.M.A.No.1956 of 2009).

a n d

1. Kandavel
2. R. Sakthivel
3. R. Bhaskaran

...Respondents in C.M.A.No1957 of 2009

Prayer: Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and decree passed in M.A.C.T.O.P.No.795 and 796 of 2003, dated 7/1/2005 on the file of the Motor Accidents Claims Tribunal, Additional District and Sessions Court, Fast Track Court No.2, Coimbatore.



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For Appellant (Both Appeals) ... Mrs.N.B.Surekha

For respondents (Both Appeals) ... Mr.M.Jaisingh  
for Mr.A.Sivaji  
for R.1

### C O M M O N J U D G M E N T

National Insurance Company Ltd., have preferred these Civil Miscellaneous Appeals, challenging the compensation awarded by the Motor Vehicle Accidents Claims Tribunal, Additional District and Sessions Court, Fast Track Court No.2, Coimbatore, in M.A.C.T.O.P.Nos.795 and 796 of 2003, respectively, dated 7/1/2005.

2. On 7/9/2003, at about 9.30 p.m., while Natarajan (first respondent in C.M.A.No.1956 of 2009) was riding the motor cycle bearing Registration No.TN37AA-4063, along with one Kandavel (first respondent in C.M.A.No.1957 of 2009), as pillion rider, who is the injured, from west to east direction, Sakthivel (second respondent in both the appeals), was driving the car bearing Registration No.TN37AA-7777 in a rash and negligent manner had dashed against them. R.Baskaran, is the owner of the abovesaid car.

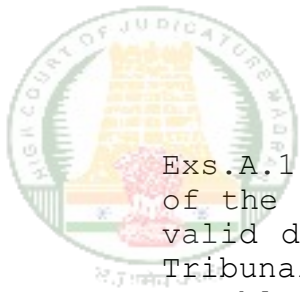
3. Injured Kandavel was immediately admitted to Kovai Medical Center and Hospitals Limited, Coimbatore, wherein he has undergone treatment upto 19/9/2003 as in patient and he is continuing the treatment as an out patient. Sulur Police had registered a case in F.I.R.No.551 of 2003 and prosecuted against the driver of the car for causing the accident.

4. Learned counsel appearing for the first respondent submitted that accident had occurred on 9/2/2003. But permit was taken only on 8/10/2003. The driver of the car did not possess permit and fitness certificate of the car, at the time of accident.

5. Learned counsel appearing for the Insurance Company submitted that the injuries caused to him were not grievous in nature. The compensation claimed for the simple injuries are very excessive and the same is not computed in accordance with the principles governed under the Motor Vehicles Act.

6. Heard Ms.N.B,Surekha, learned counsel for the appellant/Insurance Company, Mr.M.Jaisingh for Mr.A.Sivaji for the first respondent in C.M.A.No.1957 of 2009 and perused the materials available on record.

7. The factum of accident is not disputed by either side. Tribunal after having gone through the evidence of P.W.1 and



Exs.A.1 and 3 to 7 had fixed the entire negligence on the driver of the car to the effect that the driver of the car did not hold valid driving license and valid permit for the car in question. Tribunal had awarded a sum of Rs.1,88,900/- as compensation payable to the first respondent together with interest at 9% from the date of petition. In such a view of the matter, this Court is not inclined to interfere with the award passed by the Motor Accidents Claims Tribunal. However, the rate of interest shall stand modified from 9% to 7.5%.

8. In the result, these Civil Miscellaneous Appeals are allowed in part, as indicated above. The Insurance Company is directed to deposit the entire award amount, together with interest at 7.5% p.a., from the date of claim petitions, before the Tribunal, if not already deposited, within a period of four weeks, from the date of receipt of a copy of this order and on such deposit being made, the respondents are entitled to make necessary applications to withdraw the same. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

mvs.

To

1.The Motor Accidents Claims Tribunal,  
Additional District and Sessions Judge,  
Fast Track Court No.2, Coimbatore.

2.The Section Officer,  
VR Section  
Madras High Court.

+2ccs to M/s.N.B.Surekha, Advocate SR. No. 17623, 17622

+1cc to Mr.A.Sivaji, Advocate SR. No. 18308

C.M.A.Nos.1956 and 1957 of 2009

AD (CO)

PR (03/06/2022)