



C.M.A.No.3393 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MRS.JUSTICE N.MALA

C.M.A.No.3393 of 2014
and M.P.No.1 of 2014

National Insurance Company Limited,
Divisional Office,
LRN Complex, Omalur Main Road,
Salem-7.

... Appellant /
2nd respondent

Vs.

1.Sanjeevarayan
2.Govindammal

... Respondents /
Petitioners 1 & 2

3.Sithan

... Respondent /
1st Respondent

4.Poornachandra Rao

... Respondent /
3rd Respondent

5.Padmaja

... Respondent /
4th Respondent

6.The Oriental Insurance Company Limited,
Siva Complex, Second Floor,
22/C, Saradha College Main Road,
Salem – 636 016.

... Respondent /
5th Respondent



C.M.A.No.3393 of 2014

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree, dated 02.09.2013, in M.C.O.P.No.908 of 2007 on the file of the Motor Accident Claims Tribunal, I Additional District Court, Salem.

For Appellant	:	M/s.N.B.Surekha
For Respondents – 1 & 2	:	Mr.C.Kulanthaivel
For Respondent – 3	:	Mr.B.Kumarasamy
For Respondents – 4 & 5	:	Mr.C.Prabhakaran
For Respondent – 6	:	Mr.Vijayaraghavan

JUDGMENT

[Judgment of the Court was made by S.S.SUNDAR, J..]

The appellant who was the second respondent before the Motor Accidents Claims Tribunal in M.C.O.P.No.908 of 2007 is the appellant in the above appeal.

2. The parents of the deceased are the claimants in M.C.O.P.No.908 of 2007. A sum of Rs.10,00,000/- was claimed by way of compensation. The Motor Accidents Claims Tribunal awarded a sum of Rs.4,42,000/-. It is admitted that the deceased by name Arul @ Arul Kumar is unmarried and he is the son of the claimants. The accident took place on 23.07.2006 while the deceased was travelling in a two wheeler, driven by one Senthil Kumar. The two wheeler in



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which the deceased was travelling dashed against another vehicle due to which the deceased suffered grievous injuries and died in the hospital.

3. Though the Motor Accidents Claims Tribunal found that the accident was due to the negligent act of both the drivers of the two wheelers, taking into account the deceased was not employed, the Tribunal awarded a sum of Rs.4,42,000/- as compensation. This Court is unable to find any valid reasons to interfere or modify the award as the awarded amount is correct and proper.

4. The learned counsel appearing for the appellant submitted that the driver of the vehicle has no driving license and this Court is unable to find any evidence to sustain such plea.

5. In the result, this appeal stands **dismissed**. No costs. Consequently connected miscellaneous petition is closed.

[SSSRJ] [NMJ]
12.10.2022

cda
Index : Yes/No

S.S.SUNDAR, J.,

AND

N.MALA, J.,



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To

The I Additional District Court,
(Motor Accident Claims Tribunal),
Salem.

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12.10.2022