



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

C.M.A(MD)No.178 of 2022
and
CMP(MD) No.1559 of 2022

The Branch Manager,
National Insurance Co. Ltd.,
No.5-A, Sub Collector's Office Road,
Opp. District Court Complex,
Dindigul.

... Appellant/2nd Respondent

Vs

1.Anthoniammal
2.Venkatraman

... Respondents/Petitioner/
1st Respondent

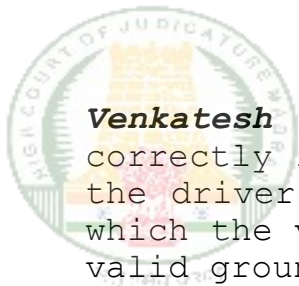
PRAYER: Civil Miscellaneous Appeals filed under Section 173 of Motor Vehicles Act, to set aside the fair order dated 15.04.2021 made in MCOP No.2052 of 2014 on the file of Motor Accident Claims Tribunal (Chief Judicial Magistrate), Trichy and allow this appeal.

For Appellant :Mr.S.Srinivasa Raghavan

J U D G M E N T

This appeal is preferred against the order and decree passed by the learned Motor Accident Claims Tribunal (Chief Judicial Magistrate), Trichirappalli, made in M.C.O.P.No.2052 of 2014, dated 15.04.2021.

2.The appellant is the insurance company. The claimant was a tempo traveller and she was carrying vegetables bags in the Tempo and was travelling in the same as the owner of goods. During that course, the vehicle got capsized due to the negligence of the driver, in which, the claimant got injured. The medical board had examined the claimant and fixed that she had suffered 50% permanent disability. It seems that she had suffered grievous injury like fractures over her left shoulder and left wrist and left rib. Even the compensation has also been fixed by strictly following the guidelines laid down in the judgment of the High Court held in the case of **M/s. IFFCO TOKIO General Insurance Co., Ltd., New Delhi vs**



Venkatesh and others. Since the learned Judge of the tribunal has correctly recorded the findings as to the negligence on the part of the driver and also fixed the liability on the Insurance Company in which the vehicle was insured at the time of the accident, I find no valid grounds for this appeal.

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3. Accordingly, this Civil Miscellaneous Appeal is dismissed by confirming the order and decree, dated 15.04.2021 passed in M.C.O.P.No.2052 of 2014 on the file of the Motor Accidents Claims Tribunal (Chief Judicial Magistrate), Trichirappalli. The appellant/ Insurance Company is directed to deposit the amount awarded by the Tribunal within a period of eight weeks from the date of receipt of a copy of this judgment, less the amount, if any, already deposited. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cp

To

1.The Motor Accident Claims Tribunal (Chief Judicial Magistrate),
Trichy.

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-8897[F] dated
25/02/2022)

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and

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RD(11.03.2022) 2P 3C