



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CMA (MD)No.703 of 2014

and

M.P.(MD)No.1 of 2014

The Branch Manager,
The Oriental Insurance Company Limited,
3607/21, 2nd Floor,
Sathiyamoorthy Road,
Pudukkottai.

... Appellant/3rd Respondent

Vs.

1. Chandrasekaran

...1st Respondent/Petitioner

2. Palaniappan

...2nd Respondent/1st Respondent

3. Anbu

... 3rd Respondent/2nd Respondent

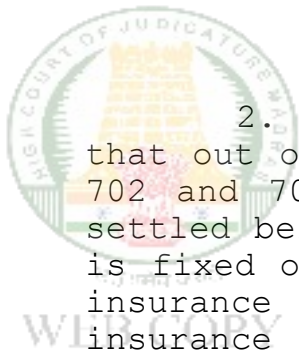
(Respondents 2 and 3 remained
exparte before the lower Court)

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, to set aside the Award of Rs.13,500/- (Rupees Thirteen Thousand Five Hundred Only) passed in M.C.O.P No.156 of 2012, dated 30.09.2013, on the file of the Motor Accidents Claims Tribunal cum Additional District Judge, Pudukkottai.

For Appellant : Mr.A.Ilango
For Respondents : No appearance
Nos.1 to 3

J U D G M E N T

This Civil Miscellaneous Appeal has arisen out of a common judgment rendered in M.C.O.P.Nos.382 of 2011, 154 of 2012 and 156 of 2012. In an road accident, when the injured was travelled in a two wheeler as a pillion rider and the vehicle insured with the appellant insurance company said to have dashed against the two wheeler from the behind and caused injury to the first respondent herein. As against the common judgment, the Civil Miscellaneous Appeal in C.M.A(MD)No.703 of 2014 has been filed and pending before this Court.



2. The learned counsel for the insurance company represented that out of three Civil Miscellaneous Appeals in C.M.A.(MD)Nos.701, 702 and 703 of 2014, C.M.A.(MD)Nos.701 and 702 of 2014 have been settled before the Lok Adalat and therefore the rash and negligence is fixed on the part of the driver of the vehicle insured with the insurance company and the negligence has been accepted by the insurance company in the other way. Hence the point for consideration is whether the compensation of Rs.13,500/- (Rupees Thirteen Thousand and Five Hundred only) with interest at 7.5% per annum, awarded by the Tribunal is excessive or not for the simple injury sustained by the petitioner.

3. After considering the injuries sustained by the first respondent herein, this Court does not find that the amount of Rs.13,500/- (Rupees Thirteen Thousand and Five Hundred only) with interest at 7.5% per annum, awarded by the Tribunal is excessive.

4. Accordingly, this Civil Miscellaneous Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2022

Sub Assistant Registrar (CS)

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To

1. The Motor Accidents Claims Tribunal,
The Additional District Judge, Pudukkottai.

2. The Record Clerk,
VR Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

+1 CC to M/s.A.ILANGO, Advocate (SR-9961[F] dated 04/03/2022)

CMA (MD)No.703 of 2014 and
M.P. (MD)No.1 of 2014
03.03.2022

RD(28.03.2022) 2P 5C