



WEB COPY



C.M.A.No.851 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.M.A.No.851 of 2015

And

M.P.No.1 of 2015

M/s.National Insurance Co. Ltd.,
Murugan Complex,
K.K.Road,
Villupuram.

... Appellant

Vs.

1.Manibalan
2.Kasinathan
3.Srikanth

4.M/s.Oriental Insurance Co. Ltd.,
Regional Office,
U.I.L. Building, IV Floor,
No.8, Esplannade,
Chennai – 8.

... Respondents

Prayer:

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the decree and judgment passed in M.C.O.P.No.5 of 2010 dated 24.01.2012 by the Motor Accidents Claims Tribunal (Chief Judicial Magistrate) Villupuram District and be pleased to dismiss the above claim.

For Appellant : M/s.J.Chandran



C.M.A.No.851 of 2015

J U D G M E N T

WEB COPY

The second respondent before the Motor Accidents Claims Tribunal, is the appellant herein. This appeal has been filed against the judgment and decree dated 24.01.2012 made in M.C.O.P.No.5 of 2010, on the file of the Motor Accidents Claims Tribunal (Chief Judicial Magistrate) Villupuram District.

2.When the matter was taken up for consideration, the learned counsel appearing for the appellant submitted that the injured claimant/ first respondent filed claim petition before the Motor Accidents Claims Tribunal, claiming compensation of Rs.50,000/-. After adjudication, the Tribunal, awarded a sum of Rs.12,000/- as compensation to the claimant/ first respondent along with 7.5% interest and proportionate costs and directed the second respondent therein to pay 50% of the compensation and to recover the same from the first respondent therein and the respondents 3 and 4 therein to pay 50% of the compensation. Aggrieved by the same, the appellant Insurance Company has filed this appeal. However, the appeal filed by an Insurance Company in C.M.A.No.371 of 2014 as against the compensation awarded for a claimant who was injured in the very same accident was dismissed by this Court on 29.03.2021.



C.M.A.No.851 of 2015

3.It is useful to extract hereunder the judgment of this Court dated 29.03.2021 in C.M.A.No.371 of 2014:

"This appeal has been filed by the appellant/insurance company challenging the award passed by the Tribunal on the ground of quantum.

2. According to the appellant, MCOP Nos. 4 of 2010, 5 of 2010, 6 of 2010 and 123 of 2008 were filed by the respective claimants seeking for compensation for the injuries sustained by them in a road accident that took place on 02.07.2004. The Tribunal awarded the compensation amount to all the claimants and challenging the award passed by the Tribunal, the insurance company has preferred appeals before this Court and one of the appeal in CMA No.371 of 2014 was taken up today for final disposal.

3. The learned counsel for the appellant/ insurance company would submit that similar appeals were filed by the appellant/insurance company and the same were dismissed by this Court. In the present case on hand, the Tribunal has fixed excessive amount and awarded a sum of Rs.12,000/- which is



C.M.A.No.851 of 2015

exorbitant and therefore, challenging the award passed by the Tribunal, the present appeal has been filed before this Court.

4. On considering the grounds raised in the appeal and the submissions made by the learned counsel for the appellant in the instant appeal, it reveals that the claimant has filed MCOP No.4 of 2010 and considering the nature of simple injury sustained by the claimant, the Tribunal has awarded a sum of Rs.12,000/- and the same was directed to be paid equally by the appellant as well as the 2nd respondent each Rs.6,000/- to the claimant. In similar matters, appeals were preferred by the insurance company and the order passed by the Tribunal was confirmed by this Court. On considering the amount involved in the claim petition, there is no substantial grounds to be raised in the instant appeal and therefore, the award passed by the Tribunal does not warrant interference by this Court and the same is confirmed.

*5. In the result,
(i) This Civil Miscellaneous Appeal preferred by the appellant/insurance company is dismissed and the compensation awarded by the Tribunal*



C.M.A.No.851 of 2015

at Rs.12,000/- together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit is confirmed.

(ii) The appellant/insurance company is directed to deposit 50% of the award amount along with interest and costs, less the amount already deposited, within a period of six weeks from the date of receipt of a copy of this judgment and recover the same from the second respondent/owner of the vehicle. The respondents 3 & 4 are directed to deposit 50% of the remaining compensation as awarded by the Tribunal.

(iii) On such deposit, the first respondent/claimant is permitted to withdraw the award amount along with interest fixed by the Tribunal, after adjusting the amount, if any, already withdrawn, by filing necessary applications before the Tribunal. No costs. Consequently, connected Miscellaneous Appeal is closed."

4.Following the judgment of this Court dated 29.03.2021 made in C.M.A.No.371 of 2014, this civil miscellaneous appeal is also dismissed. The judgment and decree in M.C.O.P.No.5 of 2010 dated 24.01.2012 passed by the Motor Accidents Claims Tribunal (Chief



C.M.A.No.851 of 2015

Judicial Magistrate) Villupuram District, is confirmed.

WEB COPY

5.The appellant/ Insurance Company is directed to deposit 50% of the award amount along with interest and proportionate costs, less the amount already deposited if any, within a period of six weeks from the date of receipt of a copy of this judgment and recover the same from the second respondent. The respondents 3 and 4 are directed to deposit 50% of the remaining compensation as awarded by the Tribunal. On such deposit, the first respondent/ claimant is permitted to withdraw the award amount along with accrued interest and proportionate costs, less the amount already withdrawn, if any, on making proper and necessary application before the Tribunal.

6.The civil miscellaneous appeal is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

20.10.2023

pri
Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To
1.The Motor Accidents Claims Tribunal,
(Chief Judicial Magistrate)
Villupuram District.

6/7



WEB COPY



C.M.A.No.851 of 2015

M.DHANDAPANI,J.
pri

C.M.A.No.851 of 2015
And
M.P.No.1 of 2015

20.10.2023