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C.M.A.No.2142 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.02.2023

CORAM

THE HON'BLE MR.JUSTICE A.A.NAKKIRAN

C.M.A.No.2142 of 2018

P. Sakthivel

... Appellant

vs.

1. B. Akhbar

2. Shri Ram General Insurance Co.Ltd.,
No.1076, 2nd Floor, Nagappa Complex,
Mettupalayam Road,
Coimbatore.

...Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to set aside the Judgment and Decree dated 12.10.2017 made in M.C.O.P.No.252 of 2011 on the file of the Motor Accidents Claims Tribunal (Sub-Court, Kallakurichi, Villupuram District).

For Appellant

: Mr.D.Balachandran
for Ms.M.Sudha

For Respondents

: No appearance - R1
Mr.C.Paranthaman for R2
for Mr.K.Poomalai

J U D G M E N T

This appeal has been filed by the appellant/claimant seeking enhancement of compensation under the impugned award dated 12.10.2017 made in M.C.O.P.No.252 of 2011 on the file of the Motor



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Accidents Claims Tribunal (Sub-Court, Kallakurichi, Villupuram District).

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2. The accident occurred on 29.04.2011 at 8.00 p.m., while the claimant was travelling as a pillion rider in TVS – 50 vehicle bearing Registration No.TN-32-W-4939 proceeding from Sankarapuram to Pootai main road, near fire station, an auto bearing Regn.No.TN-32 L-0671 came from the opposite direction in a rash and negligent manner, dashed against the TVS – 50 vehicle and thereby, the appellant sustained grievous injuries. Thereafter, the claim petition has been filed claiming compensation of Rs.5,00,000/- before the Tribunal. On consideration of the materials and evidence available on record, the Tribunal awarded a total compensation of Rs.86,400/- with interest at the rate of 7.5% per annum from the date of the petition till the date of deposit. Aggrieved against the award of the Tribunal, the appellant/claimant has filed this present appeal.

3. Heard the learned counsel for the appellant/claimant and the learned counsel for the second respondent/Insurance Company and perused the entire materials available on record. No representation for the first



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respondent.

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4. The learned counsel for the appellant has submitted that due to the said accident, the claimant suffered grievous injuries. But the compensation awarded by the Tribunal is inadequate and on the lesser side. The Tribunal ought to have granted more compensation. Hence, he prays to allow the Appeal.

5. The learned counsel for the second respondent has submitted that the Tribunal has rightly considered the materials and evidences and has awarded the just and fair compensation and hence, the same does not require any interference by this Court. Hence, he prays for dismissal of the Appeal.

6. The Tribunal adjudicated the issues with reference to the documents and evidences. The Tribunal made a clear finding that the accident occurred only due to the rash and negligent driving of the driver of the offending vehicle auto, belonging to the first respondent. Accordingly,



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the second respondent on behalf of the first respondent is made liable to pay a compensation to the appellant/claimant.

7. A perusal of the records would reveal that the appellant has not filed the claim petition properly with the separate heads in the Tribunal itself. But he claimed an overall compensation of Rs.5,00,000/-. Considering the facts and circumstances of the case and upon perusing the records, the Tribunal awarded an overall compensation of Rs.86,400/- with interest at 7.5% p.a., from the date of petition till the date of deposit. Before this court also, he did not file the grounds with separate heads of claim amount.

8. In view of the above, nothing survives in this appeal. Hence, this Civil Miscellaneous Appeal is dismissed. No costs.

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Index : yes/no

Internet : yes/no

gv



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To

1. The Motor Accident Claims Tribunal
(Sub-Court, Kallakurichi, Villupuram District)
2. The Section Officer,
V.R.Section,
High Court, Madras.



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gv

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