



C.M.A.No.2612 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE K. RAJASEKAR

C.M.A.No.2612 of 2021

and

C.M.P.No.14989 of 2021

United India Insurance Company Limited,
No.2, Bhuvaneswari Complex,
Dr.Sankaran Road,
Namakkal District - 637 001

... Appellant

Vs.

1.M.Murugesan
2.S.Balakumar

3.United India Insurance Company Limited,
Muthiah Complex,
No.1170, Mettur Road,
Erode District - 638 011. (given up)

... Respondents

Prayer:

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the award dated 02.12.2020 made in M.C.O.P.No.179 of 2018 on the file of the Motor Accidents Claims Tribunal(Special District Court) at Erode.

For Appellant	:	Mr.D.Bhaskaran
For Respondent 1	:	M/s.S.P.Yuvaraj
For Respondent 2	:	No Appearance
For Respondent 3	:	Given up



WEB COPY



C.M.A.No.2612 of 2021

JUDGMENT

This Civil Miscellaneous Appeal has been filed by the Insurance Company challenging the quantum of compensation awarded in M.C.O.P.No.179 of 2018, dated 02.12.2020, on the file of the Motor Accidents Claims Tribunal (Special District Court), Erode.

2. It is reported by the learned counsel for the Insurance Company that already the claimant has filed appeal for enhancement of compensation in C.M.A.No.908 of 2021. He further submitted that the Tribunal came to the conclusion that the claimant had contributed negligence to the accident, as he has not worn the helmet at the time of accident. Accordingly, the Tribunal has reduced the compensation to the extent of 15% under the head of contributory negligence. This Court, by the order dated 24.03.2021 in CMA.No.908 of 2021 has considered the merits as well as quantum of compensation so also the negligence point. Under the said order, this Court enhanced the compensation to Rs.2,47,732/-.



C.M.A.No.2612 of 2021

3. Since this Court has already considered the case on merits, including the liability and quantum of compensation, further adjudication is not necessary in this case and the appeal has become infructuous.

4. Accordingly, this Civil Miscellaneous Appeal is dismissed as infructuous. No costs. Consequently, the connected Miscellaneous Petition is closed.

01.12.2023
(1/2)

rjr
Index:Yes/No
Speaking Order:Yes/No
Neutral Citation Case: Yes/No

To:

- 1.The Special District Judge,
The Motor Accidents Claims Tribunal, Erode.
2. The Section Officer,
V.R. Section,
High Court, Chennai.

K. RAJASEKAR, J.



WEB COPY



C.M.A.No.2612 of 2021

rjr

C.M.A.No.2612 of 2021
and
C.M.P.No.14989 of 2021

01.12.2023