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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKA RAMAN

C.M.A.No.307 of 2023

and

C.M.P.No.2467 of 2023

The Branch Manager,
Reliance General Insurance Co.Ltd.,
Sree Lakshmi Complex, 1st Floor, Bharathi Street,
Omalur main Road, Swarnapuri, Salem-4.

...Appellant

Vs.

1.Ravikumar
2.Kalaimuthan

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the decree and judgment dated 31.10.2018 passed in M.C.O.P.No.358 of 2017 by the Motor Accident Claims Tribunal, [Special Sub Court No.1, Salem]

For Appellant : Mrs.C.Bhuvanasundari



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J U D G M E N T

The Insurance Company is the appellant herein.

2. Challenging the award passed in M.C.O.P.No.358 of 2017, Sub Court, Salem, the Insurance Company has preferred this appeal on the ground of quantum.

3. On 16.10.2016, when the claimant/first respondent herein viz., Ravikumar was driving in his two wheeler viz., Bajaj Platina bearing Reg.No.TN 30 AY 4322 on the left side of the road from Tharamangalam to Nangavalli, near Kullannur, the second respondent herein was driving his two wheeler bearing Reg.No.TN 30BW 3927 which came on the opposite direction in a rash and negligent manner dashed against the first respondent herein thereby the first respondent sustained grievous injury. Immediately, he was taken to the hospital. Hence, he filed a claim petition before the Tribunal seeking compensation of Rs.10,00,000/-. After considering the oral and documentary evidence, the tribunal fixed compensation of 1,21,642/- with interest at the rate of 7.5% p.a. from the date of petition till the date of realisation. Against which, the present Civil Miscellaneous Appeal has been filed by the Insurance company.



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4. The factum of the accident, the manner of the accident and rash and negligent driving on the part of the driver of the offending vehicle are not disputed and hence the finding rendered by the Tribunal is hereby confirmed.

5. After going through the various compensation awarded under the different heads, I find that the order passed by the Tribunal is just and reasonable and 25% of contributory negligence is also fixed on his part and hence, I find that the award passed by the Tribunal is just and fair does not require interference in the appellate jurisdiction.

6. In this view of the matter, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected C.M.P is closed.

09.02.2023

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Index : Yes/No
Speaking/Non-speaking order

To
1.The Motor Accident Claims Tribunal /
Special Sub Court No.1, Salem

2.The Section Officer,
V.R.Section,



High Court, Madras.

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RMT.TEEKAA RAMAN,J.,

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