



C.M.A.No.143 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on 27.01.2023	Pronounced on 03.02.2023
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THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

C.M.A.No.143 of 2023

Santhanam, S/o.Subramanian,
South Street,
Mudikondan Post,
Nannilam Taluk,
Nagapattinam District.

... Appellant

Vs.

1.S.Janaki, W/o.Subramanian,
No.45/7, Anna Nagar,
Srinivasanallur,
Thirunakesvaram (PO)
Kumbakonam.

2.The National Insurance Company Ltd.,
Rep. by its Branch Manager,
No.194 A, Nethaji Road, Thiruvarur Town,
Thiruvarur Taluk,
Thiruvarur District.

... Respondents

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree dated 25.09.2014 passed in MCOP.No.142 of 2012 on the file of the Motor Accident Claims Tribunal, (Sub Court), Thiruvarur.



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For Appellant : Mr.M.Thamizhavel

For Respondents : Mrs.R.Sree Vidhya (for R2)

J U D G M E N T

The Appeal has been filed against the Judgment and Decree dated 25.09.2014 passed in MCOP.No.142 of 2012 on the file of the Motor Accident Claims Tribunal, (Sub Court), Thiruvarur.

2.The claim Petitioner is the Appellant herein. For the sake of convenience, the parties are referred to as per their ranking before the trial Court.

3.The claim Petitioner filed the above Appeal, seeking compensation for the injuries sustained by him in a road traffic accident occurred on 29.12.2011. The Tribunal has awarded a sum of Rs.1,53,099/- with interest at the rate of 7.5% per annum. Aggrieved against the same and seeking enhancement, he has preferred this Appeal.



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4. During the trial, on the side of the claim Petitioner, PW1 & PW2 were examined, Ex.P.1 to Ex.P.9 were marked and on the side of the Respondents, RW1 was examined and no document was marked.

5. Heard the learned counsel for the claim Petitioner and learned counsel for the Insurance Company.

6. The factum of the accident, manner of the accident, rash and negligent driving on the part of the driver of the 1st Respondent's vehicle, insured with the 2nd Respondent are not under challenge in this Appeal. Accordingly, the finding rendered by the trial Court that the accident taken place due to the rash and negligent driving of the driver of the 1st Respondent's vehicle, insured with the 2nd Respondent are hereby confirmed.

7. After hearing both the parties, the Tribunal come to the conclusion that the accident has taken place due to the rash and negligent driving of the driver of the offending vehicle and based upon Ex.P.4/policy copy, on the date of the accident, the Insurance company is having valid insurance coverage and hence,



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both the Respondents are jointly and severally liable to pay compensation. The same is hereby confirmed.

8.On the point of compensation, based upon the oral evidence of PW2 and Ex.P.8/disability certificate, the Tribunal fixed the disability as 40%. The claim Petitioner was treated as inpatient in the Government Hospital between 29.12.2011 to 16.02.2012 and suffered by both bone fracture on the left leg and surgery was done on the left knee and plate was also fixed and subsequently it was removed. Hence, I find that 40% disability fixed by the trial Court does not warrant any interference of this Court and the amount awarded towards other heads appears to be just and proper. Hence, I do not find any valid reason to interfere with the well considered award passed by the Tribunal.

9.Accordingly, this Appeal is dismissed. No costs.

03.02.2023

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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To

The Motor Accident Claims Tribunal,
Sub Court,
Thiruvavarur.



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RMT.TEEKAA RAMAN.J,

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Pre-delivery Judgment made in

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Dated: 03.02.2023