



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2024

WEB COPY

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.1354 of 2024
and CMP No.12110 of 2024

The Branch Manager,
M/s.IFFCO-TOKIO General Insurance Co. Ltd.,
Branch Office,
GSN Arcade, II Floor,
Near Vemala Kalyana Mandapam,
Bypass Road, Hosur – 635 109.

..Appellant

.vs.

1.Srinivasan

2.The Managing Director,
M/s.Coimbatore Annamalais Agencies Pvt., Ltd.,
Rep. by its Managing Director,
82, Shop No.7, 1st Floor, KTR,
Complex, Madivala, Bangalore.

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the award and decree dated 12.11.2018 made in MCOP No.277 of 2017 on the file of the Motor Accident Claims Tribunal, Special Sub Judge, Krishnagiri.

For Appellant : Mr.S.Arunkumar

For Respondents : Mr.S.P.Yuvaraj for R1



WEB COPY





WEB COPY

JUDGMENT

The Insurance Company not being satisfied with the Award passed by the Tribunal has filed this appeal against the award and decree dated 12.11.2018 in MCOP No.277 of 2017.

2.The case of the claimant is that on 22.04.2010 he was standing on the side of the road in Hosur-Krishnagiri Road and at about 11.30 p.m., the offending vehicle belonging to the 1st respondent was driven in a rash and negligent manner and hit the claimant, as a result of which, the claimant sustained head injury. An FIR also came to be registered in Crime No.140 of 2020. It is under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation.

3.The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the offending vehicle. Having rendered such a finding, the Tribunal fixed the total compensation at Rs.11,61,200/- under the various heads in the following manner:



WEB COPY

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of Earning Power	9,83,000
2.	Medical, Transport, Nutrition and attender charges	25,000
3.	Pain and sufferings	50,000
4.	Loss of Amenities and Enjoyment of life	1,00,000
5.	Damages to clothing and articles	3,200
	Total	11,61,200

4.The above compensation was directed to be paid with interest at the rate of 9% per annum.

5.The Insurance Company aggrieved by the Award passed by the Tribunal has filed the present appeal before this Court.

6.Heard Mr.S.Arun Kumar, learned counsel appearing on behalf of the appellant, Mr.S.P.Yuvaraj, learned counsel appearing on behalf of the 1st respondent.

7.When the matter was taken up for hearing, the learned counsel for the claimant viz., the 1st respondent submitted that the entire Award amount was deposited and it has also been withdrawn by the 1st respondent.



N. ANAND VENKATESH., J

ssr

8.Considering the facts and circumstances of the case and also of the fact that the claimant had sustained head injury in this case and he has also withdrawn the entire compensation amount along with interest, this Court is not inclined to go into the merits of the case. Hence, the Award passed by the Tribunal is sustained.

9.Accordingly, this civil miscellaneous petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

20.06.2024

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

To

The Motor Accident Claims Tribunal, Special Sub Judge, Krishnagiri.

CMA No.1354 of 2024
and CMP No.12110 of 2024