



C.M.A.No.238 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13/11/2024

C O R A M

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

Civil Miscellaneous Appeal No.238 of 2018

a n d

C.M.P.No.2626 of 2018

The United India Insurance Co Ltd
Motor Third Party Claims Cell (Hub)
44-46 Murugesu Naicker Complex
Greaves Road
Chennai 9.

...

Appellant

Vs

1. Elumalai

2. M. Settu

...

Respondents

PRAYER: Appeal filed under Section 173 of the Motor Vehicles Act, 1988

against the award and decree dated 17/8/2017 made in M.C.O.P.No.1646 of 2013 on the file of the Motor Accidents Claims Tribunal (Special Sub-Judge No.2) Small Causes Court), Chennai.

For appellant

...

Mr.D.Bhaskaran

For respondents

...

Not ready in notice

J U D G M E N T



C.M.A.No.238 of 2018

This Civil Miscellaneous Appeal has been filed against the award and decree dated 17/8/2017 made in M.C.O.P.No.1646 of 2013 on the file of the Motor Accidents Claims Tribunal (Special Sub-Judge No.2) Small Causes Court), Chennai.

2. It is the case of the appellant that an accident had occurred on 13/6/2006, at 7.15 a.m., caused by a TATA Ace Tractor bearing Registration No. TN-21-II-4894, while the injured, who is the first respondent, standing on the extreme left side of Perumbakkam to Kanchipuram road, at Kundukulam lake bund, the abovesaid vehicle came in a rash and negligent manner and while applying sudden brake, Tractor got capsized on the road side by hitting against the first respondent, thereby he sustained grievous injuries. The injured, filed a claim petition, seeking compensation of Rs.1,00,000/- before the Tribunal.

3. Before the Tribunal, during trial, in order to prove the case, the claimant has examined PW1 and marked Exs.P1 to P3, and on the side of the Insurance Company, R.W.1 was examined and marked Exs.R.1 and R.2. The Tribunal, considering the pleadings, oral and documentary evidence, allowed the petition and awarded a sum of 30,000/- as compensation to the



claimant along with interest. Aggrieved by the said award, the appellant/insurance company has filed the present appeal before this Court for quashment of the award.

4. The learned counsel for the appellant/insurance company submitted that as per evidence, the offending vehicle is a goods vehicle. Therefore, the first respondent was a gratuitous passenger in the said van. Moreover, the injuries sustained by the first respondent are simple in nature. Without considering the same, the Tribunal has awarded a sum of Rs.30,000/- for the disability, which is highly excessive, which warrants interference.

5. Heard the learned counsel for the appellant/insurance company and also perused the materials available on record.

6. Admittedly, the first respondent is a claimant, aged about 39 years, earning a sum of Rs.7,500/- per month and he sustained injuries all over his body due to the accident. In the Accident Register, issued by the Assistant Surgeon, Government HQ hospital, it has been stated that the injured has sustained lacerated injury and the nature of injury is simple. Hence, the Tribunal has awarded Rs.30,000/- as just compensation. In such a view of



C.M.A.No.238 of 2018

the matter, this Court feels that the Tribunal has rightly considered the matter and given the reasoning in perfect. Hence, the same does not require any interference by this Court and the same is confirmed.

7. In the result, the Civil Miscellaneous Appeal is dismissed and a sum of Rs.30,000/- awarded by the Tribunal as compensation to the first respondent/claimant is hereby confirmed. The appellant insurance company is directed to deposit the entire amount awarded by the Tribunal along with interest at the rate of 7.5% per annum, less the amount already deposited if any, within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit being made, the first respondent/claimant, is permitted to withdraw the compensation as awarded by the Tribunal along with interest and costs, less the amount, if any, already withdrawn, by filing an appropriate application before the Court concerned. No costs. Consequently, connected Miscellaneous Petition is closed.

13/11/2024

mvs.

Index : Yes / No

Neutral Citation: Yes/No

To



C.M.A.No.238 of 2018

1. The Motor Accidents Claims Tribunal (Special Sub-Judge No.2)
Small Causes Court), Chennai.

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M.DHANDAPANI,J

mvs.



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C.M.A.No.238 of 2018

C.M.A.No.238 of 2018

13/11/2024