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C.M.A.No.2056 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2024

CORAM :

The Hon'ble Mr. Justice Krishnan Ramasamy

C.M.A.No.2056 of 2023

and

C.M.P.No.19969 of 2023

The Manager,
M/s.Raheja QBE General Insurance Co.Ltd.,
5th Floor, Windsor House,
CST Road, Kalina, Santacruz (E),
Mumbai 400 098

... Appellant/Petitioner

Vs.

1. Sakthivel

2. The Secretary,
Muthayammal College of Arts & Science,
Kakkaveri Post, Rasipuram Taluk,
Namakkal District 637 408.

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, 1988 against the award and decree dated 21.03.2023 made in M.C.O.P.No.273 of 2019 on the file of the Motor Accidents Claims Tribunal, Sub Judge, Rasipuram.

For Appellant : Mr.S.Arun Kumar

For R1 & R2 : No appearance



C.M.A.No.2056 of 2023

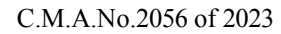
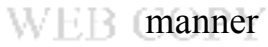
JUDGEMENT

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This Civil Miscellaneous Appeal has been preferred by the Insurance Company, challenging the quantum of compensation awarded by the Motor Accidents Claims Tribunal, Sub Judge, Rasipuram in M.C.O.P.No.273 of 2019 dated 21.03.2023.

2. On 23.04.2019 at about 3.00 p.m., when the injured/first respondent was riding a two wheeler, bearing Reg.No.TN28 BY 3106, a bus, bearing Reg.No.TN28 AZ 9254, which came from opposite direction and hit the two wheeler of the injured. Due to said accident, the injured sustained grievous injuries all over his body. Thereafter, the injured/first respondent has filed a claim petition before the Tribunal, claiming a compensation of Rs.50,00,000/-.

3. The learned counsel for the appellant submitted that, the Tribunal has awarded a sum of Rs.5,00,000/- under the head of “pain and sufferings” is on the higher side, and the same may be reduced and thereby, a reasonable compensation may be awarded.



<https://www.mhc.tn.gov.in/judis>
3/5



C.M.A.No.2056 of 2023

5. In the result, the Civil Miscellaneous Appeal is dismissed. The appellant/Insurance Company is directed to deposit the compensation amount along with interest at 7.5% and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this judgment, to the credit of M.C.O.P.No.273 of 2019 on the file of Motor Accident Claims Tribunal Sub Judge, Rasipuram. Upon such deposit being made, the Tribunal is directed to transfer the entire amount to the bank account of the claimant, the claimant is permitted to withdraw the entire compensation amount, by way of RTGS, within a period of three weeks from the deposit or from the date of receipt of the Bank details obtained from the claimant or application for withdrawal from the claimant, whichever is later. No costs. Consequently, connected Miscellaneous Petition is closed.

29.01.2024

Index : Yes / No
NCC : Yes / No
jd

Krishnan Ramasamy,J.,



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C.M.A.No.2056 of 2023

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To

1. The Motor Accident Claims Tribunal,
Sub Judge, Rasipuram.
2. The Section Officer,
V.R. Section,
High Court, Madras.

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and
C.M.P.No.19969 of 2023

29.01.2024