



C.M.A.No.248 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

C.M.A.No.248 of 2023
and C.M.P.No.1856 of 2023

The Divisional Manager,
United India Insurance Co. Ltd.,
No.116, Jawaharlal Nehru Street,
Puducherry.

Now at,
Plot.No.35, 36, 37, AR Plaza,
Balaji Nagar Extension, Saram, Pondicherry.

.. Appellant

Vs.

1.Suresh Kumar

2.Ananthi

3.Bharanidharan

.. Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, praying to allow the Civil Miscellaneous Appeal by setting aside the order dated 28.08.2018 in M.C.O.P.No.886 of 2015 passed by the Motor Accident Claims Tribunal, Principal District Judge, Cuddalore.

For Appellant : Mr.P.Sankaranarayanan

For R2 : Mr.M.Guruprasad



C.M.A.No.248 of 2023

J U D G M E N T

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The appellant - Insurance Company aggrieved by the quantum of compensation has filed the present appeal against the award passed by the Motor Accident Claims Tribunal, Principal District Judge, Cuddalore, in M.C.O.P.No.886 of 2015 dated 28.08.2018.

2.The deceased minor Dhilipan aged about 3 years was standing in front of his house on 13.01.2015 and at about 09.00 hours, the offending vehicle which was a Mahindra van was driven in a rash and negligent manner and it ran over the minor deceased. The minor succumbed to the injuries. An FIR was registered in Crime No.10 of 2015 against the driver of the offending vehicle. It is under these circumstances, the parents have filed claim petition seeking for payment of compensation.

3.The Tribunal on considering the facts and circumstances of the case and on appreciation of the 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 driver of the offending vehicle.

4.The Tribunal having rendered the above finding, proceeded to fix



C.M.A.No.248 of 2023

the total compensation at Rs.10,00,000/-. The said compensation was directed to be paid with interest at the rate of 8% per annum.

5.The Insurance Company aggrieved by the quantum of compensation fixed by the Tribunal, has filed the present appeal before this Court.

6.Heard the learned counsel for the appellant and the learned counsel for 2nd respondent.

7.This Court has carefully considered the submissions made on the side of the appellant and the materials available on record.

8.This Court has also carefully gone through the award passed by the Tribunal.

9.In the considered view of this Court, the Tribunal has fixed a very reasonable compensation in this case under various heads and the same does not require the interference of this Court. However, while confirming the total compensation fixed by the Tribunal, the percentage



C.M.A.No.248 of 2023

of interest is reduced from 8% to 7.5% per annum.

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10.In the result, this Civil Miscellaneous Appeal is dismissed and the quantum of compensation fixed by the Tribunal at Rs.10,00,000/- stands affirmed. There shall be a direction to the appellant - Insurance Company to deposit the entire compensation amount along with interest at the rate of 7.5% per annum, less the amount already deposited within a period of four (4) weeks from the date of receipt of a copy of this judgment. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. Consequently, the connected Miscellaneous Petition is closed. No costs.

25.07.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To



C.M.A.No.248 of 2023

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1.The Principal District Judge,
Motor Accident Claims Tribunal,
Principal District Court,
Cuddalore.

2.The Section Officer,
VR Section,
Madras High Court,
Chennai.

N.ANAND VENKATESH, J.

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C.M.A.No.248 of 2023

C.M.A.No.248 of 2023

25.07.2024