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Civil Miscellaneous Appeal No.2599 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20/11/2024

C O R A M

THE HONOURABLE Mr.JUSTICE **M.DHANDAPANI**

Civil Miscellaneous Appeal No.2599 of 2019

S.Bhaskaran ... Appellant

Vs

1. P.S.Santhosh
2. Anil Das
3. Reliance General Insurance
Having their Registered Office
at Reliance Center, 19 Walchand Hirachand Marg
Ballard Estate
Mumbai 400 001. ... Respondents

PRAYER: Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the order and decretal order dated 21/4/2014 in M.C.O.P.No.2899 of 2011 on the file of the Motor Accidents Claims Tribunal (in IV Court of Small Causes), Chennai.

For appellant	...	Mr.R.Swaminathan
For respondents	...	Mr.J.Dileep Kumar
		for R.1
		No appearance for R.2
		M/s.P.Suresh Srinivasan
		S.P.Manobharath
		P.Stephen Raj
		for R.3.



JUDGMENT

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This Civil Miscellaneous Appeal has been filed against the order and decretal order dated 21/4/2014 in M.C.O.P.No.2899 of 2011 on the file of the Motor Accidents Claims Tribunal (in IV Court of Small Causes), Chennai.

2. Brief facts which are necessary for disposal of this appeal are as follows:-

On 26/7/2009 at about 2.00 a.m., while the second respondent driving the first respondent's car bearing Registration No.TN-41-L-9090 in a rash and negligent manner and dashed into the jewellery shop of the appellant, as a result of which, shutter, glass door, show cases and furniture were destroyed. The appellant has filed a petition under Section 166 of the Motor Vehicles Act and Rule 3 of MACT, claiming compensation of Rs.2,50,000/- before the Motor Accidents Claims Tribunal, Chennai and the same was taken on file in M.C.O.P.No.2899 of 2011.

3. Before the Tribunal, in order to prove the case, on the side of the



appellant, two witnesses were examined as P.Ws.1 and 2 and marked Exs.P.1 to P.10 . On the side of the respondents, one witness was examined as R.W.1 and one document was marked as Ex.R.1.

4. After analyzing the oral and documentary evidences, the Tribunal has awarded a sum of Rs.30,000/- as compensation and directed the respondents 1 and 3 jointly to pay the compensation.

5. Not being satisfied with the quantum of compensation awarded by the Tribunal, appellant has come forward with this appeal before this Court.

6. Heard Mr.R.Swaminathan, learned counsel for the petitioner, Mr.J.Dileep Kumar, learned counsel for the first respondent and Mr.P.Suresh Srinivasan, learned counsel for the third respondent. There is no representation on behalf of the second respondent.

7. The learned counsel appearing for the appellant submitted that the car driven by the second respondent had broken the entire shop and hence, there is some disturbance in the routine display of the shop.



8. Perused the materials available on record.

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9. Though no report has been filed with regard to the damages caused to the shop by the second respondent, equally the appellant has also not taken any steps to establish the extent of damage caused to the shop. In the absence of any material, on a holistic view, the Tribunal has fixed Rs.30,000/- as compensation. However, considering the submission advanced on either side and also taking into consideration the facts and circumstances, this Court is inclined to enhance the compensation from Rs.30,000/- to Rs.35,000/-.

10. Accordingly, this Civil Miscellaneous Appeal is allowed. However, there shall be no order as to costs. As insurer of the first respondent's vehicle, third respondent is directed to deposit the entire award amount, as ordered by this Court with interest, after deducting the amount, if any already deposited, within a period of two months, from the date of receipt of a copy of this order. On such deposit, appellant is permitted to withdraw the same on making proper application before the Tribunal.

20/11/2024

mvs.



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Index : Yes / No

Neutral Citation: Yes/No

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To

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