



C.M.A.No.81 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2024

CORAM :

The Hon'ble Mr. Justice Krishnan Ramasamy

C.M.A.No.81 of 2024

and

C.M.P.No.609 of 2024

The Divisional Manager,
The New India Assurance Co.Ltd.,
Divisional Office, Tiruvannamalai.

... Appellant/Petitioner

Vs.

1. A.Anandbabu
2. J.Peer Mohamed

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, 1988 against the decree and judgment dated 16th day of July 2012 made in M.C.O.P.No.20 of 2011, on the file of Motor Accident Claims Tribunal and Sub Court, Vaniyambadi, Vellore District.

For Appellant : Mr.K.Vinod
for Elveera Ravindran



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JUDGEMENT

This Civil Miscellaneous Appeal has been filed by the appellant/Assurance Company, challenging the negligence as well as the quantum of compensation of Rs.15,000/- awarded by the Motor Accidents Claims Tribunal in M.C.O.P.No.20 of 2011 dated 16.07.2012.

2. On 16.06.2006, when the injured was driving the tractor on Keelkuppam Lake Road, one cow, all of a sudden came to the middle of the road from the left side of the lake, and in order to avoid hitting the cow, the injured applied sudden brake. Due to that, the injured had sustained multiple injuries all over his body. Thereafter, the first respondent/injured had approached the Tribunal claiming a compensation of Rs.1,00,000/-.

3. The Tribunal, on consideration of oral and documentary evidence has come to the conclusion that the accident had occurred due to applying sudden brakes by the first respondent/injured. All of a sudden, the cow came in the middle of the road and in order to avoid, hitting of



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the cow, he was constrained to apply the brakes and as such there was no negligence on the part of the first respondent. The Tribunal has awarded a sum of Rs.15,000/- towards the compensation for the injured sustained by him in the accident. Challenging the compensation awarded by the Tribunal, the applicant/Assurance Company has come forward with the present appeal.

3.1 On going through the entire records as well as the quantum of compensation awarded by the Tribunal, this Court does not find any fault in fixing the negligence as well as the quantum of compensation awarded by the Tribunal, and therefore, the award passed by the Tribunal stands confirmed.

4. In the result, the Civil Miscellaneous Appeal is dismissed. The appellant/Assurance Company is directed to deposit the award amount as determined by the Tribunal along with interest and costs, less the amount already deposited, if any, within a period of six (6) weeks from the date of a receipt of copy of this Judgment. Upon such deposit being made, the Tribunal is directed to transfer the entire amount to the bank account of



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the claimant, 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.

19.01.2024

Index : Yes / No
NCC : Yes / No
jd

To

1. The Motor Accident Claims Tribunal,
Motor Accident Claims Tribunal and Sub Court,
Vaniyambadi, Vellore District.
2. The Section Officer,
V.R. Section,
High Court, Madras.



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Krishnan Ramasamy,J.,

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