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C.M.A.No.100 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.100 of 2024

and

C.M.P.No.772 of 2024

M/s.United India Insurance Company Ltd.,
Divisional Office-1,
104-A, Peramanur Main Road,
Salem-7.

... Appellant

Vs.

1. Arul
2. S.Krishnamoorthy

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, 1988 against the award and decree dated 13.06.2016 made in M.C.O.P.No.804 of 2013 on the file of the Motor Accident Claims Tribunal (Special Sub Court No-2), Salem.

For Appellant : M/S.D.Bhaskaran



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JUDGEMENT

This Civil Miscellaneous Appeal has been preferred by Insurance Company, challenging the negligence, liability and quantum of compensation awarded by the Motor Accidents Claims Tribunal, Special Sub Court No.2 in M.C.O.P.No.804 of 2013 dated 13.06.2016, the claimant is before this Court.

2. On 06.04.2013 at about 23.45 hours, the injured/first respondent was sleeping on the Konganapuram Roundana Thittu, at that time, he was hit by a lorry, bearing Reg.No.TN-52-7337, which came from Sankari to Omalur direction, which was driven by its driver in a rash and negligent manner, and due to the said accident, the injured sustained grievous injuries all over the body.

3. On consideration of the oral and documentary evidence, the Tribunal has awarded a total compensation of Rs.1,46,382/-, questioning



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the same, the present appeal has been filed by the appellant/Insurance Company.

4. After quantifying the compensation amount, the Tribunal fixed at 75% negligence on the part of the rider of the lorry and fastened 75% liability against the rider of the lorry. At the same time, the pedestrian, who was sleeping on the roundana thittu, the Tribunal fastened 25% liability against the injured. Accordingly, the compensation was awarded by the Tribunal.

5. In view of the above, since the Tribunal has rightly fixed 75% negligence on the part of the lorry driver, and also 25% fastened against the injured person, this Court, does not find any fault on the Tribunal on the aspects of negligence as well as fastening the liability.

6. As far as the quantum of compensation is concerned, based on PW2 exhibit and P9 document, the Tribunal has rightly awarded the total compensation of Rs.1,46,382/-, which in the opinion of this Court, is just



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and fair. Therefore, this Court is not inclined to interfere with the award passed by the Tribunal on the aspect of fixation of liability, fastening the liability against the rider of the lorry and also against the injured person, and accordingly, the quantum of compensation awarded by the Tribunal, stands confirmed. Therefore, the Insurance Company is directed to deposit the entire amount on the file of M.C.O.P.No.804 of 2013, Special Sub Court No.2, Salem, if not deposited.

7. In the result, the Civil Miscellaneous Appeal is dismissed. 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,
Special Sub Court No.2,
Salem.
2. The Section Officer,
V.R. Section,



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High Court, Madras.

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Krishnan Ramasamy,J.,

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