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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2024

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THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.1519 of 2013

The Oriental Insurance Company Limited,
through its Divisional Manager,
Branch Office at No.119,
Karaikudi-630 001.

... Appellant

Vs.

1.Palanisamy

2.Antony Elavarasa

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicle Act, 1988 to set aside the award of Rs.68,827/- (Rupees Sixty Eight Thousand Eight Hundred and Twenty Seven only) passed in M.C.O.P.No.251 of 2012, dated 08.04.2013 on the file of the Motor Accident Claims Tribunal cum I Additional District Judge, Thoothukudi.

For Appellant	: Mr.C.Karthik
For R-1	: Mr.S.Sivailayaraja
For R-2	: No Appearance

JUDGEMENT

This Civil Miscellaneous Appeal is filed by the Insurance Company to set aside the award amount of Rs.68,827/- (Rupees Sixty Eight



Thousand Eight Hundred and Twenty Seven only) passed in M.C.O.P.No.251 of 2012, dated 08.04.2013 on the file of the Motor Accident Claims Tribunal cum I Additional District Judge, Thoothukudi.

2. It is a case of injury. The contention of the Insurance Company is that the injured was working as Mazdoor. While he was filing complaint he has given a vehicle registration number for the offending vehicle, however when he was filing the claim petition, he has given a different registration number and hence there is a difference in offending vehicle registration number. The contention of the appellant was refuted by the claimant and submitted that initially the complaint was preferred by his friend since at the time of accident the claimant was in unconscious state. Subsequently, he had regained conscious and has affixed his signature in the First Information Report, but failed to note the incorrect registration number. Further the complaint was under the impression that the said registration number stated in the FIR was involved in the accident, but came to know that another vehicle was involved. Further the Learned Counsel appearing for the appellant submitted that the claimant had retired from service under compulsory retirement and that factor ought to be taken for fixing the compensation.



3. After hearing the rival submissions, this Court is of the considered opinion that if the appellant is aggrieved by the wrong mentioning of the registration number, the appellant ought to have investigated. But the appellant had failed to do so. Moreover, it is a case of injury. Even though the injured had claimed Rs.5,00,000/-, but the Tribunal has granted only Rs.68,827/- as compensation. Since the amount is meagre this Court is not inclined to entertain this Appeal.

4. Accordingly, this Civil Miscellaneous Appeal stands dismissed. The award passed in M.C.O.P.No.251 of 2012, dated 08.04.2013 on the file of the Motor Accident Claims Tribunal cum I Additional District Judge, Thoothukudi, is hereby confirmed. The Appellant/Insurance company has already deposited the entire compensation. Therefore, the claimant is permitted to withdraw the same. No Costs.

29.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1. The Motor Accident Claims Tribunal
cum I Additional District Judge, Thoothukudi.
2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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**Order made in
C.M.A(MD)No.1519 of 2013**

29.07.2024