



C.M.A.(MD)No.34 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2024

CORAM

**THE HONOURABLE MR.JUSTICE P.VELMURUGAN
AND
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

C.M.A.(MD)No.34 of 2019
and
CMP(MD)No.464 of 2019

Reliance General Insurance Company Ltd.,
Rep. but is Branch Manager,
15A, PLA Kanagu Towers,
2nd Floor, Thillai Nagar Main Road,
Trichy-18.

.. Appellant/2nd Respondent

Vs.

1.Saravanan

.. 1st Respondents/ Petitioner

2.Suresh

.. 2nd Respondent/1st Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the fair and decreetal order dated 07.11.2017 passed in MCOP.No.1350 of 2014 on the file of the Motor Accident Claims Tribunal, Special District Judge (Full Additional Charge), Tiruchirappalli.

For Appellant : Mr.V.Sakthivel



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For Respondents : Mr.K.Benjamin for R1

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JUDGMENT

(Judgment of the Court was delivered by P.VELMURUGAN, J.)

The Insurance company filed this Civil Miscellaneous Appeal against the award made in M.C.O.P.No.1350 of 2014, dated 07.11.2017, on the file of the Motor Accidents Claims Tribunal Judge, Special District Judge (Full Additional Charge), Tiruchirappalli.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The appellant has taken the ground that the accident took place on account of the negligence on the part of the driver of the two wheeler and the Tribunal has failed to appreciate the said fact and fixed the negligence on the part of the insured vehicle and the driver of the insured vehicle. Further, the Tribunal has failed to consider that the rider of the two wheeler has contributed to the accident by his own negligence and even in the absence of any contra evidence such finding of the



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contributory negligence have to be drawn.

4. Perusal of the records and oral evidence adduced by the witnesses, there is no proof to show that the driver of the two wheeler has contributed the accident and there is no contra evidence adduced. Hence, the Tribunal has rightly appreciated the evidence and fixed the liability. While re-appreciating the evidence, there is no contra evidence is produced to prove that the claimant has contributed the accident due to his own negligence. Therefore, this Court does not find any perversity with the appreciation of evidence by the Tribunal and therefore, this point is answered accordingly.

5. As far as the quantum of compensation is concerned, there is no dispute since the accident and the insured is admitted. Under these circumstances, this Court does not find any reason to interfere the award passed by the Tribunal and the award passed by the Tribunal is just and fair compensation.



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6. In fine, this Civil Miscellaneous Appeal is dismissed and the award passed in MCOP.No.1350 of 2014 on the file of the Motor Accident Claims Tribunal, Special District Judge (Full Additional Charge), Tiruchirappalli is confirmed. No Costs. Consequently, connected miscellaneous petition is closed.

(P.V., J.) (K.K.R.K., J.)
05.09.2024

NCC:Yes/No

Index:Yes/No

PJL

To

1. The Special District Judge (Full Additional Charge),
Motor Accident Claims Tribunal,
Tiruchirappalli.

2. The Section Officer,
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.



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