



C.M.A(MD)Nos.582 & 591 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.02.2024**

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)Nos.582 & 591 of 2021

Manikandan ... Appellant in C.M.A.(MD)No.582 of 2021

Seenivasaperumal ... Appellant in C.M.A.(MD)No.591 of 2021

Vs.

1.Narayanan

2.The Branch Manager,
United India Insurance Company Ltd.,
14/720-18, 19 BMC Complex 1st Floor,
Main Road, Pavoorchathiram,
Tirunelveli-627808. ... Respondents in both C.M.As.

COMMON PRAYER: Civil Miscellaneous Appeals are filed under Section 173 (1) of the Motor Vehicles Act 1988, against the order, dated 12.02.2021, passed in M.C.O.P.Nos.598 & 508 of 2017 on the file of the Motor Accident Claims Tribunal (Special Sub Court), Tirunelveli.



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C.M.A(MD)Nos.582 & 591 of 2021

For Appellants : Mr.T.Lenin Kumar
For R1 : Mr.S.R.A.Ramachandran
For R2 : Mr.A.S.Mathialagan
(in both C.M.As.)

COMMON JUDGEMENT

These appeals have been filed by the claimants against the award passed by the Tribunal.

2. The claimants, namely, Manikandan and Seenivasaperumal had travelled in the TATA ACE Auto. The said Manikandan claims that he is the load man and the said Seenivasaperumal claims that he is the owner of the goods. At the time of accident, one Esakkiraja was driving the vehicle and one Sattanathan, who is also a load man had travelled in the vehicle. The said Sattanathan died in the accident. It is submitted that the petition filed by the Sattanathan is still pending before the Tribunal.



C.M.A(MD)Nos.582 & 591 of 2021

WEB COPY

3. The said Manikandan and Seenivasaperumal had sustained injuries and their disability was fixed as 30%. After taking all these facts into consideration, the Tribunal has fixed the liability on the owner of the vehicle.

4. The appellants herein have approached this Court only for enhancement. The only claim of the appellants is that the Tribunal has not considered the treatment taken by the appellants in the hospital. Even though the appellants have submitted the evidence to the effect that they have taken treatment in the hospital, the Tribunal has declined the same.

5. On perusal of the documents, it is seen that the appellants had simply relied on the prescription form and they have not produced any bills. Therefore, this Court is of the considered opinion that the appellants had not substantiated their claim for enhancement through any admissible evidence.



C.M.A(MD)Nos.582 & 591 of 2021

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6. Therefore, this Court is confirming the award passed by the Tribunal. Accordingly, these Civil Miscellaneous Appeals are dismissed.

No costs.

06.02.2024

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

1.MACT (Special Sub-Court),
Tirunelveli.

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



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C.M.A(MD)Nos.582 & 591 of 2021

S.SRIMATHY, J.

jbr

COMMON JUDGMENT made in
C.M.A(MD)Nos.582 & 591 of 2021

06.02.2024