

In the High Court of Judicature at Madras

Dated : 24.6.2015

Coram :

The Honourable Mr.Justice V.RAMASUBRAMANIAN

and

The Honourable Mr.Justice T.MATHIVANAN

Civil Miscellaneous Appeal No.1161 of 2015 and M.P.No.1 of 2015

The Branch Manager, M/s.Royal Sundaram
Alliance Insurance Co. Ltd., Nellore-524001.

...Appellant

Vs

1.Tmt.Sakthi
2.Vikram (minor)
3.Gopika (minor)
4.Jagadish (minor)
5.Ponnusamy (a) Munisamy
6.Nagammal
7.Mr.S.Alla Baksh

...Respondents

APPEAL under Section 173 of the Motor Vehicles Act, 1988 against the order dated 28.8.2014 made in M.C.O.P.No.284 of 2013 on the file of the Motor Accidents Claims Tribunal (Special District Court), Krishnagiri.

For Appellant : Mr.N.Vijayaraghavan

JUDGMENT WAS DELIVERED BY V.RAMASUBRAMANIAN,J

This appeal is by the Insurance Company against the award of the Motor Accidents Claims Tribunal.

2. Heard Mr.N.Vijayaraghavan, learned counsel for the appellant.

3. In a road traffic accident that happened on 21.2.2012, one Mr.Raja died leaving behind him surviving his wife, three minor sons and parents. The legal heirs

(2)

V.RAMASUBRAMANIAN,J
AND
T.MATHIVANAN,J

RS
filed a claim petition in M.C.O.P.No.284 of 2013 claiming a compensation in a sum of Rs.20 lakhs. By an award passed on 28.8.2014, the Tribunal fixed the compensation payable as Rs.17,90,000/-. Aggrieved by the said award, the Insurance Company is before us.

4. The main grievance of the appellant seems to be that the income of the deceased was arbitrarily fixed by the Tribunal without any evidence on record.

5. However, we find from the records that the deceased was working as a driver in a milk tanker lorry and that he was aged about 29 years at the time of accident. The Tribunal fixed the monthly income only at Rs.10,000/- per month. It took note of the fact that drivers, who are engaged on a day-to-day basis are also paid at least Rs.200/- per hour. Therefore, fixation of monthly income at Rs.10,000/- cannot be taken to be exorbitant.

6. As a matter of fact, the appellant should be happy that future prospects were not taken into account by the Tribunal. Therefore, we find no reason to interfere with the award of the Tribunal.

7. Accordingly, the civil miscellaneous appeal is dismissed. Consequently, the above MP is also dismissed.

24.6.2015

To
The Motor Accidents Claims Tribunal (Special District Court), Krishnagiri.

CMA(NPD)No.1161/2015
and M.P.No.1 of 2015