

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30/9/2016

C O R A M

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
AND
THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

Civil Miscellaneous Appeal No.2237 of 2016

Shriram General Insurance Company Ltd
No.66 Second Floor
City Centre Complex
Thirumalai Pillai Road
T.Nagar
Chennai 600 017.

...Appellant

Vs

1. Anjalai
2. Minor Abi
3. Minor Sriram

(Minors 2 and 3 are represented by
their natural guardian/mother/
first respondent)

4. Ganthi
5. Viswanathan.

...Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 27/2/2015, made in M.C.O.P.No.30 of 2012, on the file of the Motor Accident Claims Tribunal (Principal District Court), Villupuram.

For appellant : Mr.S.Dhakshinamoorthy

For respondents : Mr.V.Vadivel

J U D G M E N T

(Judgment of the Court was made by S.Manikumar,J)

Quantum of compensation of Rs.13,66,000/- awarded to the legal representatives of the deceased, with interest, at the rate of 7.5% p.a., has not been disputed. But the only challenge in this appeal is that when the respondents have not

filed any document to prove that they are the legal representatives, and thus entitled to file the claim petition under Section 166 of the Motor Vehicles Act, Tribunal ought not to have awarded compensation to them.

2. Considering the limited challenge and on receipt of the cause papers, on this day, Mr.V.Vadivel, learned counsel for the respondents/claimants has produced a true copy of the ration card for the year 2005 - 2009 issued by the Civil Supplies and Consumer Protection Department and upon perusal of the same, we find the names of the deceased Mathiazhagan, his wife Anjalai, Minor Abi and Minor Sriram have been mentioned.

3. Learned counsel for the appellant has also accepted the relationship of the respondents/claimants with the deceased.

4. Placing on record the photocopy of the ration card and the submission of the learned counsel for the appellant, this Civil Miscellaneous Appeal is liable to be dismissed.

5. Accordingly, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

6. Shriram General Insurance Company Ltd., Chennai is directed, to deposit the entire award amount, with interest and costs, less the statutory deposit, within a period of four weeks, from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Motor Accidents Claims Tribunal,
(Principal District Court) Villupuram.

2. The Section Officer, VR Section, High Court, Madras.

+ 1 cc to Mr.S. Dhakshnamoorthy, Advocate Sr.56677

+ 1 cc to Mr.V. Vadivel, Advocate SR.56763

C.M.A.No.2237 of 2016

TRM(CO)

Eu 17.11.16