

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.07.2016

CORAM

THE HON'BLE MR. JUSTICE T.MATHIVANAN

C.M.A.No.956 of 2014

The Divisional Manager
M/s.New India Assurance Co. Ltd.,
Officer's Lane
Vellore ... Appellant/Respondent-3

Vs.

1.S.Arthi
2.Minor S.Vaishnavi
3.Kannappan
4.Santha
5.Minor Mythrayee
6.V.R.Venkatesan
7.D.Baskar ... Respondents 1 to 7/
Claimants 1 to 5 &
Respondents No.1 & 2

Minor 2 & 5 rep by her mother
next friend S.Arthi 1st Petitioner

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree passed in M.C.O.P.No.211 of 2009 on 08.07.2013 on the file of the learned Motor Accident Claims Tribunal (Subordinate Judge) of Vellore District.

For Appellant : Mr.J.Chandran

For Respondents : Mr.C.Prabakaran
for R1 to R5

No appearance for R6 and R7

JUDGMENT

Questioning the quantum of compensation, the appellant Insurance Company has preferred this appeal under Section 173 of the Motor Vehicles Act, 1988.

2. The respondents 1 to 5, being the claimants, had moved the Claims Tribunal with the claim petition in M.C.O.P.No.211 of 2009 claiming totally a sum of Rs.9,00,000/- for the death of the first respondent's husband one Senthil @ Senthilkumar in a Road Traffic Accident said to have been taken place on 06.02.2009 at Thiruppathur-Thiruvannamalai main road involving a lorry bearing Registration No.TN27-V-2878 belonging to the first respondent in the claim petition and a two wheeler bearing Registration No.TN23-AQ-3143.

3. Heard the learned counsel for the petitioner and the learned counsel appearing for respondents 1 to 5.

4. The appellant Insurance Company had contested the claim, while the other respondent remained ex parte before the Tribunal. Based on the evidence, both oral and documentary, the Claims Tribunal had proceeded to award a sum of Rs.7,89,400/- under various heads. Now, the appellant Insurance Company, questioning the quantum of award, has preferred this appeal.

5. It is an admitted fact that the deceased was aged about 26 years at the time of occurrence. According to the claimants, he was running a photo studio and was earning a sum of Rs.10,000/-. But the Tribunal had fixed his monthly income at Rs.4,800/-. The Tribunal had fixed the age of the deceased at 26 years and adopted the multiplier of 17 and accordingly, the pecuniary loss of the family was calculated at Rs.7,34,400/-. Besides this, the Tribunal had also awarded a sum of Rs.5,000/- towards the funeral expenses and another sum of Rs.50,000/- towards loss of love and affection. In total, a sum of Rs.7,89,400/- was awarded.

6. This Court has carefully considered the grounds of appeal as well as the award passed by the Tribunal.

Having regard to the related facts, this Court finds that the amount awarded by the Tribunal itself is reasonable and need not require any modification or change and the appeal is liable to be dismissed on this sole ground.

Accordingly, this Civil Miscellaneous Appeal is dismissed. It is brought to the notice of this Court that the appellant/insurance company was directed to deposit the award amount of Rs.7,89,400/- along with interest at the rate of 7.5%

per annum from the date of petition within a period of four weeks, if not deposited earlier and on such deposit being made, the respondents 1, 3 and 4 were permitted to withdraw their respective shares without actually filing any application seeking permission. Insofar as the claimants 2 and 5 are concerned, their shares were directed to be deposited in any one of the nationalized bank until they attains majority. The first claimant being their mother is entitled to withdraw the accrued interest on the minor share once in three months for the welfare of the minor. With the above observation award of the Tribunal is confirmed. No costs.

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

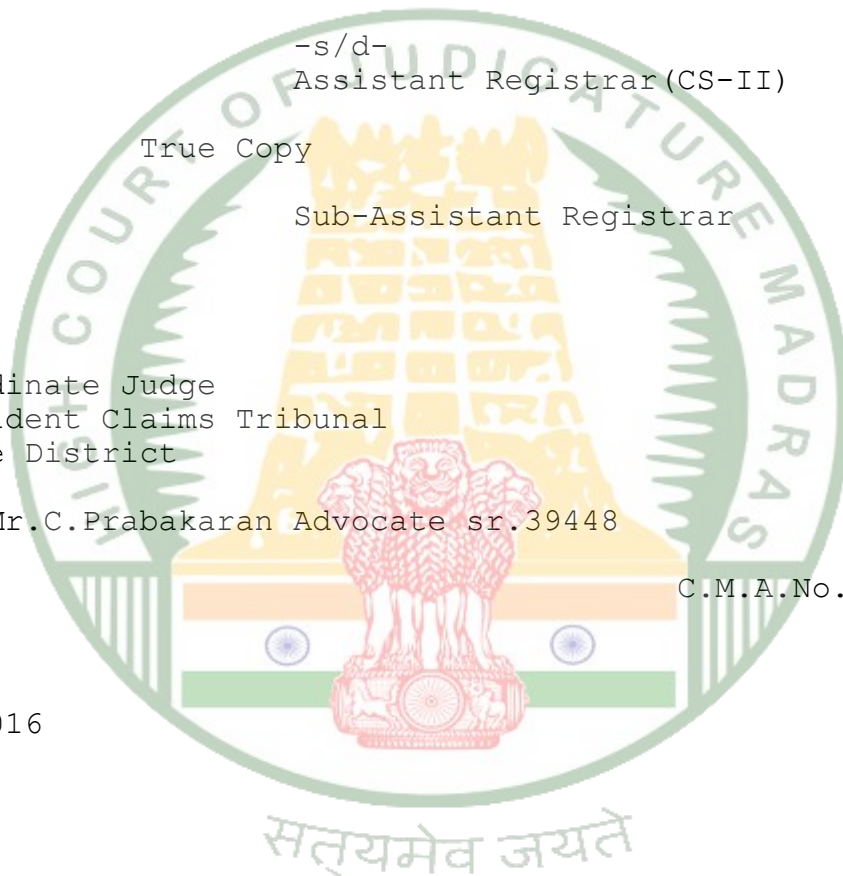
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To
The Subordinate Judge
Motor Accident Claims Tribunal
of Vellore District

+1 cc to Mr.C.Prabakaran Advocate sr.39448

C.M.A.No.956 of 2014

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