

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2016

CORAM

THE HON'BLE MR.JUSTICE N. SESHASAYEE

C.M.A.No.2175 of 2008

The Oriental Insurance Company Ltd.,
281, Crosscut Road,
Gandhipuram,
Coimbatore.

..Appellant/3rd Respondent

Vs

1.V.Velathal
2.N.Veluswamy
3.V.Rajeswari
4.S.Devakumar
S.Nagarajan

..Respondents 1 to 3/Claimants

..Respondents 4&5/Respondents 1&2

Prayer : Civil Miscellaneous Appeal preferred under Section 173 of Motor Vehicles Act 1988 against the judgment and decree in MCOP.No.391 of 1998 dated 17.02.2003 on the file of the Motor Accident Claims Tribunal, III Additional Subordinate Court, Coimbatore.

For Appellant : Mr.N.Vijayaraghavan
For Respondents: No appearance

JUDGMENT

As against a claim for Rs.15,00,000/-, the award for the death of a 28 year old bachelor employed as Area Sales Manager in a private firm was for Rs.8,00,000/- with interest and costs by award dated 17.02.2003. The insurer has filed an appeal against such award in 2003 and after condonation of delay and so on, the appeal has now come up for final hearing in respect of an accident dated 21.12.1997.

2. On the face of it, the victim being a graduate engineer, the learned counsel for the insurer expressed his embarrassment by sheer efflux of time to argue that the award was excessive. He admitted that he was aware that insurer had a predicament to pursue the appeal with conviction. Bearing in mind that the accident arose in the year 1997, the award may have seemed higher at that point of time. But today, when the award is being considered in appeal, the principles which have evolved in the last 19 years cannot be forgotten. They would all very much apply. If so, the multiplier may have to be as per age of the bachelor and not the parents and future prospects have to be added to a threshold income to be fixed and other conventional heads also may have to be increased.

3. In the said circumstances, this Court instantly concluded that the award is fit to be confirmed and deserves no interference. The appeal stands dismissed with no orders as to costs. If the insurers have not deposited the entire award sum, they are hereby directed to deposit the entire award sum within six weeks from the date of receipt of the order copy and on such deposit, the claimants are entitled to withdraw it forthwith.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To:

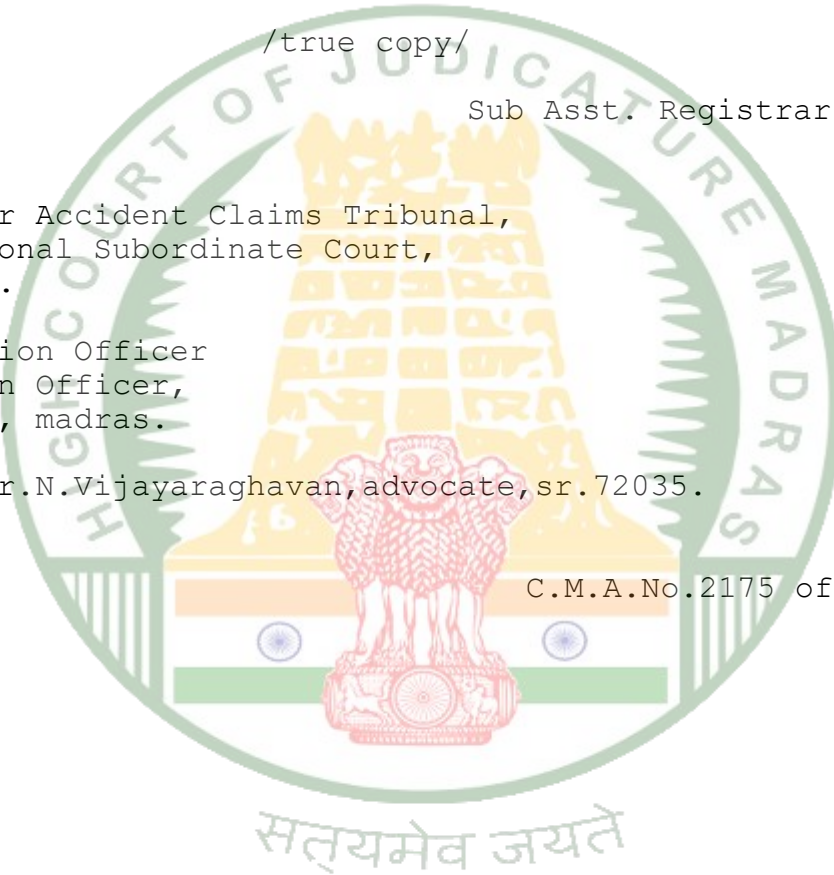
1.The Motor Accident Claims Tribunal,
III Additional Subordinate Court,
Coimbatore.

2.The Section Officer
V.R.Section Officer,
High Court, madras.

+1 cc to Mr.N.Vijayaraghavan,advocate,sr.72035.

kji(co)
krd 12/1

C.M.A.No.2175 of 2008



WEB COPY