

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2016

CORAM

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

CMA.No.3268 of 2003

The New India Assurance Co. Ltd.,
Bharathi Road,
Cuddalore - 607 001.

... Appellant

Vs.

1.Veerappan (Died)
2.A.Jubbir
3.Veerammal
4.Sundari
5.Pappathi
6.Natarajan
7.Rajeshwari
8.Narayanan

... Respondents

(Respondents 3 to 8 are impleaded as legal
representatives of the deceased 1st respondent
vide order dated 27.09.2013 made in CMP.No.
789 of 2010 in CMA.No.3268 of 2003)

Prayer : Civil Miscellaneous Appeal filed under Section 173 of
the Motor Vehicles Act, 1988, against the judgment and decree
dated 09.01.2003 made in MCOP.No.88 of 2000 on the file of the
Motor Accidents Claims Tribunal (Principal Sub Court), Cuddalore.

For Appellant : Mr.Ramesh Babu

JUDGMENT

The Insurance Company has preferred this appeal challenging the
compensation awarded by the Tribunal in a case where the
claimant who was a cyclist at that relevant time suffered
injuries when he was knocked down by a bus. The accident had
taken place on 19.10.1998, some 18 years from today.

2. The first respondent/claimant was aged 50 years at that
relevant time was an agriculturist, had lost 13 teeth and also
fractured his maxillary bone in the accident. P.W.2, the
doctor had determined the disability vide Ex.P3 at 50%. On
various pecuniary and general heads of damages, the first
respondent/claimant made a claim of R.2,00,000/-. The Tribunal
assessed the permanent disability suffered by the claimant at

40% and upon providing him with a notional income of Rs.2,000/- and adopting a multiplier of 13, it granted Rs.1,24,800/- on all heads of compensation including loss of earning power.

3. The first respondent/claimant is no more and his legal representatives are respondents 3 to 8, of whom the notice is yet to be served to respondents 4 and 6.

4. It is an accident of the year 1998 and on going through the award, I find that the Tribunal has fairly and justly awarded compensation for the permanent disability that the claimant had suffered. In fact on various heads of general damages, the Tribunal has not granted any compensation. Neither the claimant/first respondent or any of his legal representatives attempted to appear before the Court at any time to contest the inadequacy of quantum. I find no merit in the appeal and it is for this reason, I dispense notice to respondents 4 and 6, as the conclusion which I have now arrived will not affect the accrued rights of legal representatives of the deceased first respondent/claimant.

5. The learned counsel for the appellant submitted that the entire award amount has been deposited into the Court and if the said amount or any portion thereof has not yet been withdrawn, the legal representatives of the deceased first respondent would be free to withdraw the same forthwith upon producing such material as may be required to claim the total said amount before the Tribunal. Accordingly, the appeal is dismissed without costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1.The Motor Accident Claims Tribunal,
(Principal Sub Court)
Cuddalore.

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

+1cc to Mr.C.Ramesh Babu, Advocate Sr.71718

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gmi[co]
srg 30/01/2017