



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 24.11.2016

CORAM :
THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

CMA(MD) No. 1064 of 2015
and
M.P(MD) No. 1 of 2015

The Oriental Insurance Company Limited,
through its Divisional Manager,
Bangur Dharmasala Building,
West Veli Street,
Madurai District.

... Appellant/2nd Respondent

vs.

1) G. Rajambal
2) G. Malathi
3) G. Sasikumar
4) G. Sudhakaran

... Respondents 1 to 4/
Petitioners 1 to 4

5) V. Anbudasan
(5th Respondent remained
ex parte before the lower court)

... 5th Respondent/1st Respondent

Appeal filed under Section 173 of the Motor Vehicles Act,
against the judgment and decree dated 05.02.2015 made in
MCOP.No.1894 of 2012 on the file of the Motor Accident Claims
Tribunal cum VI Additional District Judge, Madurai.

For Appellant	: Mr.K.Bhaskaran
For R1 to R4	: Mr.T.Selvakumaran for Mr.S.Vijaya Kumar
For R5	: No appearance

JUDGMENT

It is the unfortunate case of fatal accident took place on
24.05.2012 around 08.00 p.m on Melur-Natham main road near Pudhu
Sukkampatti, Melur. The legal heirs of the deceased filed an
application seeking compensation before the Motor Accident Claims
Tribunal cum VI Additional District Judge, Madurai and the Tribunal
considering the facts and the circumstances of the case, awarded
Rs.10,60,122/- as total compensation with interest at 7.5% per
annum. Challenging the award, the appellant insurance company
preferred this appeal, on the ground that the quantum of
compensation awarded by the Tribunal is excessive.



2.Learned counsel for the appellant has contended that the award under certain heads are excessive and requires reduction.

3.Learned counsel for the respondents/claimants opposed this appeal, by stating that the Tribunal considered all the aspects in right way and no reduction is required on the quantum.

4.Considering the facts and the circumstances of the case, this Court is inclined to reduce the compensation awarded under the heads, loss of consortium from Rs.50,000/- to Rs.25,000/- and loss of love and affection from Rs.1,00,000/- to Rs.50,000/-, in view of the fact that the deceased was aged 60 years at the time of accident. In all other respects, the award of the Tribunal is confirmed. Accordingly, the total compensation is fixed at Rs.9,85,122/- as against Rs.10,60,122/- awarded by the Tribunal.

5.The appellant is directed to deposit Rs.9,85,122/- with 7.5% interest from the date of petition to till the date of deposit, to the credit of the claim petition within a period of four weeks from the date of receipt of a copy of this judgment, if not deposited already. On such deposit, the respondents 1 to 4/claimants are permitted to withdraw their shares in the ratio fixed by the Tribunal, through RTGS, by filing necessary applications before the Tribunal.

In the result, this Civil Miscellaneous Appeal is partly allowed. No costs. Consequently, M.P(MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

The Motor Accident Claims Tribunal cum
VI Additional District Judge,
Madurai.

+1cc to Mr.K.Bhaskaran, Advocate in SR.No.72629

+1cc to Mr.S.Vijayakumar, Advocate in SR.No.72550

CMA(MD)No.1064 of 2015
24.11.2016

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