



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2016

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

CMA(MD)No.637 of 2008

M/s.New India Assurance Co.Ltd.,
Jerom Building,
Trichirappalli.

... Appellant/2nd Respondent

vs.

- 1) Tmt.S.Andal
- 2) Minor Jayavignesh
- 3) V.Dhanakodi
- 4) Tmt.D.Yashodhai ... Respondents 1 to 4/Petitioners
(2nd respondent Minor Rep. through
Mother & Guardian the 1st respondent)
- 5) P.Rajendran ... Respondents/Respondents
(Exparte before the Tribunal)

Appeal filed under Section 173 of the Motor Vehicles Act, against the judgment and decree dated 27.08.2007 made in MCOP.No.1282 of 2003 on the file of the Motor Accident Claims Tribunal, Principal Sub Judge, Trichirapalli.

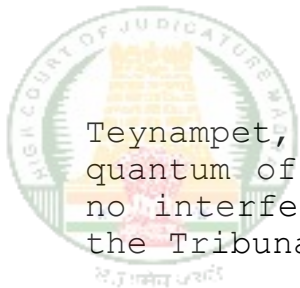
For Appellant : Mr.K.Elangovan

For R1 : Mr.C.Deepak for Mr.A.Sarvanan

JUDGMENT

It is the case of unfortunate fatal accident took place on 19.08.2002 around 21.00 hours on Tiruchi-Karur Road near Samuthuva Burning Ghat, Lalapettai. The legal heirs of the deceased filed an application seeking compensation before the Motor Accident Claims Tribunal, Principal Sub Judge, Trichirapalli, and the Tribunal considering the facts and the circumstances of the case, awarded Rs.5,53,100/- 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. On reading of the findings of the Tribunal, it is clear that the deceased was aged 40 years at the time of accident and further, he was working as Field Supervisor in M/s.Cauvery Pal Oil Ltd.,



Teynampet, Chennai. Such being the case, the monthly income and the quantum of compensation arrived at by the Tribunal is in order and no interference is required and accordingly, the impugned award of the Tribunal is confirmed.

3. It is represented that entire award amount with interest had already been deposited to the credit of the claim petition. The major respondents/claimants are permitted to withdraw their shares with proportionate interest, through RTGS, by filing necessary applications before the Tribunal. The share of the 2nd respondent/minor claimant shall be deposited in a Nationalised Bank in Fixed Deposit till he attains majority and on majority, it is for him to approach the Tribunal for withdrawal of his share.

In the result, this Civil Miscellaneous Appeal is dismissed. No costs.

Sd/-
Deputy Registrar (Accounts)

/True Copy/

Sub Assistant Registrar

To

The Principal Subordinate Judge,
Motor Accident Claims Tribunal,
Trichirapalli.

NBI
TE/SS2-KSM : 24/01/2017 : 2P/2C

CMA(MD) No.637 of 2008
24.11.2016