



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2016

Coram:

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A(MD)No.681 of 2014

and

M.P. (MD)No.1 of 2014

The Oriental Insurance Company Limited,
thro its Regional Manager,
Contonment,
Trichy - 620 001.

.. Appellant/2nd Respondent

Vs.

1.A.Palaniammal

2.M.Arumugam

3.A.Maheswari

4.A.Santhi

5.A.Poonnarasi

6.A.Vanitha

7.A.Pothumponnu

8.A.Sathya

... Respondents R1 to R8/Claimants

9.N.Chinna Gounder

... 9th Respondent/1st Respondent

Prayer:- 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.1 of 2012, on the file of the Motor Vehicle Accident Tribunals, Sub Court, Kuzhithalai, dated 05.12.2013.

For Appellant : Mr.C.Ramachandran

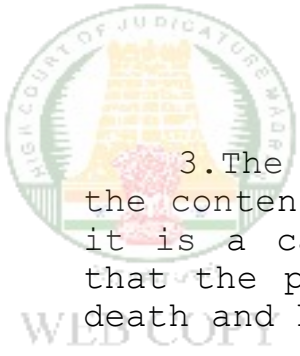
For Respondents : Mr.N.Sudhagar Nagaraj (for R1 to R8)

JUDGMENT

The appellant/Oriental Insurance Company has filed the present C.M.A(MD)No.681 of 2014, challenging the award passed in MCOP.No.1 of 2012, dated 05.12.2013, on the file of the Motor Vehicle Accident Tribunals, Sub Court, Kuzhithalai.

2.It is a case of fatal accident occurred on 26.10.2011 around 08.15 p.m. on Trichy-Musiri Main Road. The legal heirs of the deceased filed an application seeking compensation before the Motor Vehicle Accident Tribunals, Sub Court, Kuzhithalai in MCOP.No.1 of 2012. Considering the facts and circumstances of the case, the Tribunal awarded Rs.7,37,000/- as total compensation.

The learned counsel appearing for the appellant/Insurance Company contended that the quantum of compensation awarded by the Tribunal is excessive and require re-consideration.



3.The learned counsel appearing for the respondents opposed the contentions of the appellant/Insurance Company by stating that it is a case of the fatal accident and it is pertinent to note that the person, deceased was aged about 20 years at the time of death and he was working as a Mason and Labour contractor.

4.Such being the case, the findings of the Tribunal that Rs.6,48,000/- as loss of income fixed is in order and the monthly income of Rs.3,000/- alone was fixed at the relevant point of time and the same cannot be construed as excessive. Since the Tribunal has adopted a right multiplier and considered the other aspects and the circumstances of the case, this Court is not inclined to interfere with the findings of the Tribunal and accordingly, the award passed by the Motor Vehicle Accident Tribunals, Sub Court, Kuzhithalai in MCOP.No.1 of 2012, dated 05.12.2013, is confirmed and the Civil Miscellaneous Appeal is dismissed.

5.The learned counsel appearing for the appellant/Oriental Insurance Company represented that the 50% of the award amount has already been deposited. The learned counsel appearing for the respondents 1 to 8/claimants represented that they already withdrawn 50% of the award amount. The appellant/Oriental Insurance Company is directed to deposit the balance award amount with accrued interest. The respondents 1 to 8/claimants are permitted to withdraw the balance award amount of 50% with accrued interest through RTGS, by filing necessary application before the Tribunal. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Crl.side)

/True copy/

Sub Assistant Registrar

To
The Motor Vehicle Accident Tribunals,
Subordinate Judge, Kuzhithalai.

+1cc to Mr.N.Sudhagar Nagaraj, Advocate SR.No.73095

Copy to:The Section Officer,
VR Section, Madurai Bench of Madras High Court, Madurai.

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and
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