



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2016

Coram:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
C.M.A(MD)No.1243 of 2013

The Divisional Manager,
The Oriental Insurance Company Limited,
No.3, West Veli Street,
Madurai - 1.

.. Appellant / Respondent No.2

Vs.

1.V.Navaneethakrishnan
2.V.Hemalatha
3.V.Shanthi
4.R.Ravikannan

..Respondent No.1 / Petitioner No.1
..Respondent No.2 / Petitioner No.2
..Respondent No.3 / Petitioner No.3
..Respondent No.4 / Respondent No.1

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.938 of 2010 dated 29.10.2012, on the file of the Motor Accident Claims Tribunal, IV Additional District court, Madurai.

For Appellant : Mr.C.Ramachandran
For Respondents : Mr.M.Sarengan (for R1 to R3)
No appearance (for R4)

JUDGMENT

The appellant/Oriental Insurance Company has filed the present C.M.A(MD)No.1243 of 2013, challenging the award passed in MCOP.No.938 of 2010, dated 29.10.2012, on the file of the Motor Accident Claims Tribunal, IV Additional District Judge, Madurai.

2.It is a case of a fatal accident caused on account of accident took place on 28.12.2009 around 10.00 a.m. in East Veli Street, Madurai. The legal heirs of the deceased filed an application before the Motor Accident Claims Tribunal, IV Additional District Judge, Madurai in MCOP.No.938 of 2010. Considering the facts and circumstances of the case, the Tribunal awarded Rs.2,03,000/- as total compensation. Challenging the award, the appellant/Oriental Insurance Company has preferred the appeal on the ground that the quantum and on the ground that F.I.R. was belatedly registered. The learned counsel appearing for the respondent opposed the appeal by stating that a mere delay registering the F.I.R. penalizing the reason to deny the compensation to the victim. This Court is of the view that it is a case where the deceased was



aged about 69 years and was a pensioner more specifically a retired Deputy Director of Handlooms Textiles. He was a pensioner and after retirement, he was working as Manager of the Security Service Agency. Such being the case, the award of the Tribunal is in accordance with the procedure and no interference or re-consideration is required as far as the present award is concerned. Accordingly, the award passed by the Motor Accident Claims Tribunal, IV Additional District Judge, Madurai, dated 29.10.2012, is confirmed and the Civil Miscellaneous Appeal is dismissed.

3.The learned counsel appearing for the appellant/Oriental Insurance Company represented that the entire award amount has already been deposited. The learned counsel appearing for the respondents/claimants represented that 50% of the award amount has already been withdrawn by them and the respondents/claimants are permitted to withdraw the remaining amount with accrued interest through RTGS, by filing necessary application before the Tribunal. No costs.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

The Motor Accident Claims Tribunal,
IV Additional District Court, Madurai.

Copy To:

The Section Officer / Record Keeper,
V.R Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.C.RAMA CHANDRAN, Advocate, SR No. 74337

VSA

PSM/MR/SAR3/21.04.2017/2P/4C

C.M.A(MD)No.1243 of 2013
28.11.2016