



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2016

Coram:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

C.M.A (MD) No.1413 of 2013

and

M.P. (MD) No.1 of 2013

The Branch Manager,
The Oriental Insurance Co. Ltd.,
Pollachi Town,
Pollachi Taluk,
Coimbatore District.

.. Appellant/3rd respondent

Vs.

1.Nachimuthu Gounder (Died)	..1 st Respondent/1 st Petitioner
2.Kuppathal	..2 nd Respondent/2 nd Petitioner
3.N.Natarajan	..3 rd Respondent/1 st Respondent
4.M.Mani	..4 th Respondent/1 st Respondent
(3rd and 4th Respondents remained exparte before the lower Court)	
5.M.Thangathai	..5 th Respondent
(Cause title accepted vide Court order dated 18.04.2013 made in MP.No.1 of 2009 in CMA.No.SR4068 of 2007 by this Court)	

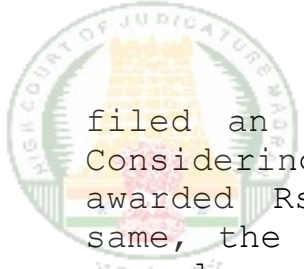
Prayer:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Award made in M.C.O.P.No.287 of 2001, dated 21.06.2006, on the file of the Motor Accidents Claims Tribunal-cum-Sub Court, Palani.

For Appellant	: Mr.K.Bhaskaran
For Respondents	: Mr.N.Saravanan (for R2) for Mr.V.Muthuramalingam No Appearance (for R5)

JUDGMENT

The appellant/Oriental Insurance Company has filed the present C.M.A (MD) No.1413 of 2013, challenging the award passed in MCOP.No.287 of 2001, dated 21.06.2006, on the file of the Motor Accidents Claims Tribunal-cum-Sub Court, Palani.

2.It is a case of fatal accident caused on account of an accident occurred on 20.03.2001 around 23.45 hours near Oddanchathiram-Dindigul Road. The legal heirs of the deceased



filed an application seeking compensation before the Tribunal. Considering the facts and circumstances of the case, the Tribunal awarded Rs.3,15,400/- as total compensation. Challenging the same, the appellant/Oriental Insurance Company has preferred this appeal on the ground of quantum.

3.The learned counsel appearing for the appellant/Insurance Company has contended that the quantum of award granted by the Tribunal is excessive and the method of fixation of compensation and the procedure adopted was erroneous during the relevant point of time.

4.The learned counsel appearing for the respondent opposed the appeal by stating that the Tribunal has not committed any error on record and therefore the appeal is to be dismissed.

5.Considering the facts and circumstances of the case that the deceased was 26 years of age and was doing some business and agriculture. Further, he was a Bachelor and therefore the total compensation granted by the Tribunal cannot be construed as excessive and it is a just compensation, which requires no interference and consequently, the award passed by the Tribunal in MCOP.No.287 of 2001, dated 21.06.2006, is confirmed and the Civil Miscellaneous Appeal (MD)No.1413 of 2014 is dismissed.

6.The appellant/Oriental Insurance Company is directed to deposit the entire award amount with accrued interest within a period of four weeks from the date of receipt of a copy of this order, if not already deposited. The respondents/claimants are permitted to withdraw the entire award amount through RTGS, by filing necessary application before the Tribunal. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To

The Motor Accidents Claims Tribunal-cum-
Sub Court, Palani.

+1 cc to Mr.S.R.Suresh Kumar , Advocate in SR.No. 73822

+1 cc to Mr.K.Bhaskaran , Advocate in SR.No. 73870

vsa

AE/SKN/RSK/27.03.2017/2P/4C

C.M.A (MD) No.1413 of 2013

and

M.P. (MD) No.1 of 2013

29.11.2016

(1/2)