



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.1762 of 2013

and

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

The Branch Manager,
The Oriental Insurance Company Limited,
Sri Vijay Complex, 2nd Floor,
Theni Post and District. .. Appellant / Respondent No.2

Vs.

1.Kasthuri @ Ponnammal (died)
Nagarajan @ Nagaraj (died)
2.Muthukrishnan
3.Mallammal ... Respondents 1 to 3 / Respondent 1 to 3
(Respondents 2 and 3 are the legal heirs
impleaded as per order in
I.A.No.1260 of 2011 dated 18.11.2011)
4.Rajendran .. Respondent No.4 / Respondent No.1

R2 & R3 are recorded as LRS of the deceased
R1 vide memo USR No.2231 dt.30.07.2013
in view of the court order dt.01/08/2013
(RKJ) made in MP(MD)1/12 in CMA(MD)
SR.No.32521/2012

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 2009, dated 02.03.2012, on the file of the Motor Accident Claims Tribunal, Fast Track Court, Dindigul.

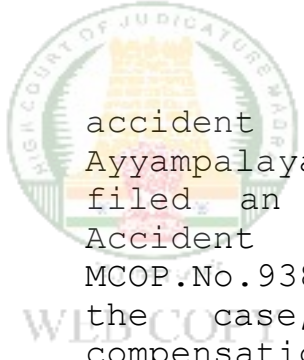
For Appellants : Mr.C.Ramachandran
For Respondents : No Appearance

JUDGMENT

The appellant/Insurance Company has filed the present C.M.A (MD)No.1762 of 2013, challenging the award passed in MCOP.No.938 of 2009, dated 02.03.2012, on the file of the Principal Motor Accident Claims Tribunal, Fast Track Court, Dindigul.

<https://hcservices.ecourts.gov.in/hcservices/>

2.It is a case of a fatal accident occurred on account of an



accident took place on 19.09.2009 around 18.15 hours on Ayyampalayam to Maruthanathi Road. The heirs of the deceased filed an application seeking compensation before the Motor Accident Claims Tribunal, Fast Track Court, Dindigul in MCOP.No.938 of 2009. Considering the facts and circumstances of the case, the Tribunal awarded Rs.8,41,000/- as total compensation. Challenging the same, the appellant/Oriental Insurance Company has preferred the appeal on the ground that the quantum of compensation awarded by the Tribunal is excessive, in view of the fact that the deceased was a Bachelor. This Court is unable to appreciate the arguments advanced by the learned counsel appearing for the appellant on the ground that the deceased was 25 years age at the time of death and further he was a M.C.A. graduate. Further, the monthly income fixed by the Tribunal was Rs.4,000/-, which cannot be construed as excessive, during the relevant point of accident took place. Accordingly, this Court is not inclined to re-consider the quantum of award fixed by the Tribunal in the case on hand. Hence, the award passed by the Motor Accident Claims Tribunal, Fast Track Court, Dindigul in MCOP.No.938 of 2009, dated 02.03.2012, is confirmed and the Civil Miscellaneous Appeal is dismissed.

3.The learned counsel appearing for the appellant/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 with accrued interest through RTGS, by filing necessary application before the Tribunal. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

vsa

To

The Additional District Judge,
Motor Accident Claims Tribunal,
Fast Track Court, Dindigul.

Copy To:

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

+1cc to Mr.C.Ramachandran Advocate Sr.No. 74339

JAM/19.01.2017/GSV-SV/ 2p-4c

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and

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