



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.1763 of 2013

The Branch Manager,
Oriental Insurance Company Ltd.,
T.S.No.3607/21, 2nd Floor,
Sathyamoorthy Road,
Pudukottai Town Taluk,
Pudukottai District.

.. Appellant/R2

Vs.

1.M.Sakthivel
2.M.Dhanabalan
3.Subramanian
4.P.Subuleetchumi
5.M.Chandra
6.Hemamalini

.. R1 to R5/Petitioner 1 to 5
.. Respondent No.6/R1

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and decree in M.C.O.P.No.361 of 2012, dated 31.01.2013, on the file of the Motor Accident Claims Tribunal, Additional District Court, Pudukottai.

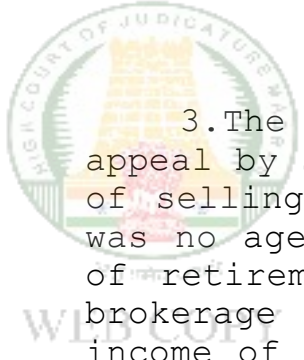
For Appellants : Mr.C.Ramachandran

For Respondents : Mr.J.M.Hasanul Bazri (for R1 to R5)
for M/s.S.A.Ajmal khan

JUDGMENT

The appellant/Oriental Insurance Company has filed the present C.M.A(MD)No.1763 of 2013, challenging the award passed in MCOP.No.361 of 2012, dated 31.01.2013, on the file of the Motor Accident Claims Tribunal, Additional District Court, Pudukottai.

2.The fatal accident of the case on hand occurred on 26.02.2010 around 08.10 hours near Alangudi Bus Stand. The heirs of the deceased filed an application seeking compensation before the Motor Accident Claims Tribunal, Additional District Court, Pudukottai in MCOP.No.361 of 2012. Considering the facts and circumstances of the case, the Tribunal awarded Rs.4,65,000/- as total compensation. Challenging the same, the appellant/Oriental Insurance Company has preferred this appeal on the ground that the quantum of compensation granted by the Tribunal was excessive.



3.The learned counsel appearing for the respondent opposed the appeal by stating that the deceased was doing a brokerage business of selling heavy vehicles and was sufficiently earning and there was no age of retirement for his business. When there is no age of retirement and the deceased at the time of death was doing brokerage business and selling heavy vehicles and the monthly income of Rs.10,000/- fixed by the Tribunal need not be construed as excessive. Hence, this Court is unable to appreciate the arguments advanced by the appellant and findings of the Tribunal in respect of fixation of compensation is fair and is a just compensation and though no interference is required for. Accordingly, the award passed by the Motor Accident Claims Tribunal, Additional District Court, Pudukottai, in MCOP No.361 of 2012, dated 31.01.2013, is confirmed and the Civil Miscellaneous Appeal is dismissed.

4.The learned counsel appearing for the appellant/Oriental Insurance Company represented that Rs.4,00,000/- alone has already been deposited. The respondents/claimants have already withdrawn 50% of the award amount. The appellant/Insurance Company is directed to deposit the balance award amount with accrued interest within a period of four weeks from the date of receipt of a copy of this order. The respondents/claimants are permitted to withdraw the balance award 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,
Additional District Judge, Pudukottai.

Copy To:-

The Section Officer,
V.R.Section,
Madurai bench of Madras Highcourt,
Madurai.

+1CC TO MR.C.RAMACHANDRAN, ADVOCATE, SR.NO.74338

+1CC TO MR.S.A.AJMALKHAN, ADVOCATE, SR.NO.74454