



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2016

CORAM:

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

C.M.A. (MD) No.998 of 2013

and

M.P. (MD) 1 of 2013

WEB COPY

M/s.National Insurance Company Limited,
63, West Pradhakshanam Road,
Karur.

... Appellant/2nd Respondent

Vs.

1.K.Rasammal

2.K.Jawahar

3.K.Suseela

4.K.Kamalam

5.K.Arunkumar

...Respondents 1 to 5/Claimants

6.L.Ravichandran

...6th Respondent/1st Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of M.V.Act, to modify the judgment and decree dated 19/09/2011 and made in M.C.O.P.No. 293 of 2010 on the file of the Motor Accidents Claims Tribunal / District Judge, Karur.

For Appellant	: Mr.R.Srinivasan
For R1 to R5	: Mr.K.Sureshkumar
For R6	:No Appearance

JUDGMENT

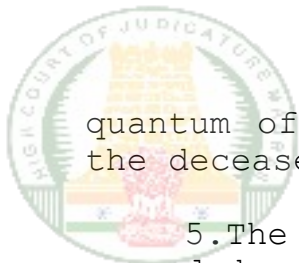
The Civil Miscellaneous Appeal is filed against the judgement dated 19.09.2011 made in M.C.O.P.No.293 of 2010 on the file of the Motor Accidents Claims Tribunal/District Judge, Karur.

2.It is an unfortunate case of fatal accident caused on account of an accident took place on 10.06.2010 near Karur to Trichy road. The legal heirs of the deceased filed an application seeking compensation before the Motor Accident Claims Tribunal /District Court, Karur in M.C.O.P.No.293 of 2011 and the Tribunal considering the facts and circumstances of the case, awarded a sum of Rs.5,08,00/- as total compensation.

3.The appellant/National Insurance company preferred this appeal challenging the quantum of compensation.

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

4.The learned counsel for the appellant contended that the



quantum of compensation granted by the Tribunal is excessive since the deceased was aged about 57 years old at the time of accident.

5.The learned counsel appearing for the respondent opposed the appeal by stating that though deceased was 57 years of old at the time of accident, he was running a canteen outside Chettinadu Cement factory and further, he was working as LIC agent. Therefore, there was no age limit for retirement and even at the time of death, he was effectively running the canteen and also working as LIC agent.

6.Such being the factual position, this Court is not inclined to interfere with the findings of the Tribunal and the award of Rs.5,08,000/- granted by the Tribunal can safely be construed as a just compensation in accordance with the established procedures laid down by this Court. Hence, this Court is not inclined to consider the grounds of appeal raised in this appeal and accordingly, the award passed in M.C.O.P.No.293 of 2010 dated 19.09.2011 is confirmed and C.M.A(MD)No.998 of 2013 is dismissed.

7.It is represented that the appellant/Insurance Company has already deposited the entire award amount and the claimants have already withdrawn 50% of the award and hence, the appellants are permitted to withdraw the balance award amount with accrued interest through RTGS by filing necessary application. No Costs. Consequently, connected M.P.is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

Motor Accident Claims Tribunal/ District Judge, Karur.

+1 CC TO MR. R.SRINIVASAN, ADVOCATE, SR NO.74168

+1 CC TO MR. K.SURESH KUMAR, ADVOCATE, SR NO.74606

NBJ

MAS/PM-PN:15.02.2017:2P/4C

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