

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2017

CORAM

THE HONOURABLE Dr.JUSTICE S.VIMALA

C.M.A.No.2738 of 2017

1. R.Paulpandi (Deceased)
2. Dr.R.Nagalakshmi
3. C.Priyadarshini ... Appellants/Claimants

(2nd appellant as the legal representative of the 1st appellant and the 3rd appellant brought on record as LR of the deceased first appellant vide order of Court dated 07.10.2016 made in CMP.No.13383/2016 in CMA Sr.27845/2009).

/Vs/

1. R.Pushpavathi
2. Branch Manager
National Insurance Co.Ltd.,
930, Sathi Road,
Gandhipuram,
Coimbatore-641 012. ... Respondents/Respondents

Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 28.11.2008 made in M.C.O.P.No.15 of 2007 on the file of the Motor Accidents Claims Tribunal - Chief Judicial Magistrate Court at Coimbatore.

For Appellants : Mr.R.Boopathy

For Respondent : Mr.K.Padmanabhan for R-2

JUDGMENT

The deceased P.Samyuktha, a student of third year B.E computer science, aged 19 years, died in an accident on 11.07.2006, in which her friend also died. The parents of the deceased filed claim petition for compensation claiming a sum of Rs.10,00,000/-.

2. The Tribunal, on consideration of the materials placed before it, awarded a sum of Rs.2,00,000/-. Challenging the quantum of compensation as inadequate, the claimants have filed this appeal.

3. The main contention raised by the learned counsel for the appellants is that when the deceased was a third year B.E Computer Science student, considering her past academic brilliance, a higher amount should have been granted as compensation to the claimants.

4. The learned counsel for the 2nd respondent submits that in a case arising out of the same accident, in an identical set of facts, the pillion rider has been awarded a sum of Rs.3,25,000/- in full quit in the Lok Adalat that was conducted on 07.01.2012. On the production of the Lok Adalat award, the learned counsel for the claimants is also agreeable to get the same award.

5. Considering that the present case also arises out of the same set of facts, the award in the present appeal is also enhanced by Rs.1,25,000/=. Accordingly, the award is passed for a sum of Rs.3,25,000/- in full quit. The award amount shall be apportioned equally between appellants 2 and 3.

6. In the result, the civil miscellaneous Appeal is allowed to the extent indicated above. No costs.

7. It is stated by the second respondent/Insurance company that the award passed by the Tribunal has already been deposited. The 2nd respondent/insurance company is directed to deposit the amount of Rs.3,25,000/-, less the amount, if any, already deposited, to the credit of the claim petition, within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit being made, the Tribunal is directed to transfer the award amount directly to the bank account of the appellants as per the apportionment made above, through RTGS within a period of two weeks thereafter. The court fee due shall be paid by the claimants before obtaining copy of the judgment.

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Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sms/GLN

To

The Motor Accidents Claims Tribunal,
Chief Judicial Magistrate,
Coimbatore.

C.M.A.No. 2738 of 2017

KGK (CO)
CS/28/03/18



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