



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CMA(MD)No.1235 of 2017

and

CMP(MD)No.12012 of 2017

Reliance General Insurance Company,
Rep. by its Branch Manager,
Having Office at Reliance House,
6th Floor, No.6, Haddows Road,
Nungambakkam, Chennai-600 006.

... Appellant/Respondent 2

-vs-

1.Ananjiammal (died)
2.Jambulingam
3.Duraimuthu

... Respondents 1 & 2/Petitioners 1 & 2
... Respondent 3/Respondent 1

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree dated 05.10.2016 passed in MCOP.No.1474 of 2013 on the file of Motor Accident Claims Tribunal, Special District Judge, Tiruchirappalli.

For Appellant : Mr.V.Sakthivel

JUDGMENT

The insurer has filed this appeal questioning the award dated 05.10.2016 passed in MCOP.No.1474 of 2013 on the file of Motor Accident Claims Tribunal, Special District Judge, Tiruchirappalli on the ground of quantum.

2.On 04.12.2010, one Pachaiyappan was standing with his bicycle on the Trichy - Chennai Highway when the car belonging to the first respondent and insured with the appellant insurer, dashed against the deceased Pachaiyappan. He sustained grievous injuries. He was taken to hospital. But, he died on 11.12.2010. The Tribunal gave a finding that due to the rash and negligent driving of the car belonging to the first respondent, the accident in question occurred. The deceased was doing Bakery products business. He earned a sum of Rs.3,250/- per month. The Tribunal awarded a sum of Rs.2,54,500/-. Contending that this is excessive, this appeal has been filed by the insurer.

<https://hcservices.courtservice.in/Hcservices/> The Tribunal taken the monthly income of the deceased as Rs.3,250/-. After applying the statutory formula, it awarded compensation of Rs.2,54,500/-. During the pendency of the claim



proceedings, the mother of the deceased, 1st petitioner in the claim proceedings passed away. The compensation awarded by the Tribunal cannot be said to be excessive. There is no merit in this appeal. This appeal is liable to be dismissed.

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4.The award dated 05.10.2016 passed in MCOP.No.1474 of 2013 on the file of Motor Accident Claims Tribunal, Special District Judge, Tiruchirappalli is confirmed.

5.The appellant insurer is directed to deposit the entire compensation as awarded by the Tribunal, with interest at the rate of 7.5% from the date of petition till the date of realization and costs, within a period of eight weeks from the date of receipt of a copy of this order, less the amount already deposited, if any. On such deposit, the second respondent is entitled to withdraw the same, as apportioned by the Tribunal, by filing proper application, less the amount already withdraw by him, if any.

6.Accordingly, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To:

1.The Special District Judge,
Motor Accident Claims Tribunal, Tiruchirappalli.

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai. **(Two Copies)**

+1cc to M/S.V.Sakthivel, Advocate SR.No. 94940

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skm

JM/JC/SAR 1/23.04.2018/2P/5C