



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.1191 of 2016

and

C.M.P. (MD) No.10508 of 2016

Branch Manager
National Insurance Company Limited,
Trichy

... Appellant / 2nd Respondent

Vs.

1.Malathi
2.Minor.Suganthana
3.Minor.Sudharshini
(R2 and R3 minors represented
by Guardian and mother R-1)

4.Thavamani ... Respondents 1 to 4/Petitioners
5.S.P.Annamalai ... 5th Respondent / 1st Respondent

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the award dated 06.02.2006 made in M.C.O.P.No.222 of 2003 on the file of the Motor Accidents Claims Tribunal/ Additional District Judge, Fast Track Court, Pudukottai.

For Appellant : Mr.P.Athimoolapandian for
Mr.A.K.Baskarapandiyan
For R-1 to R-4: Mr.M.P.Senthil
For R-5 : No Appearance

J U D G M E N T

Heard the learned counsel on either side.

2. The insurer has filed this appeal challenging the impugned award both on the ground of quantum as well as negligence. The deceased was one Varadharajan. He was aged about 32 years. He was travelling as a passenger in the bus which was insured with the appellant herein. The Tribunal rightly fastened the entire negligence on the bus driver. The finding of the Tribunal is based on credible evidence. It does not warrant any interference. The accident took place in the year 2002. The monthly income was taken as Rs.3,500/-. The Court below applied the correct multiplier. The award amount of



Rs.4,96,100/- cannot be said to be excessive by any stretch of imagination. There is no merit in the Civil Miscellaneous Appeal.

3. Accordingly, the award dated 06.02.2006 made in M.C.O.P.No.222 of 2003 on the file of the Motor Accidents Claims Tribunal/ Additional District Judge, Fast Track Court, Pudukottai is confirmed.

4. The appellant insurance company is directed to pay the award amount of Rs.4,96,100/- with interest at 7.5% per annum and costs, from the date of petition till date of realization, 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 On such deposit, the claimants are entitled to withdraw the entire amount, less the amount already withdrawn by them, if any, as apportioned by the Tribunal, by filing proper application before the Tribunal.

5.The Civil Miscellaneous Appeal stands dismissed, accordingly. No costs. Consequently, C.M.P.(MD)No.10508 of 2016 is closed.

Sd/

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

kmi

To

The Additional District Judge, (Fast Track Court)
Motor Accidents Claims Tribunal
Pudukottai.

Copy To : The Record Keeper, Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.

GJM/KK/SAR-2-6.3.18-2p-4c

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