



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**C.M.A. (MD) Nos.268 of 2017 & 582 of 2014
and****C.M.P. (MD) No.3084 of 2017**C.M.A. (MD) No.268 of 2017

National Insurance Company Limited,
Divisional Office,
Promenade Road,
Cantonment,
Trichy

... Appellant/Respondent No.2

vs

1.P.Sangeetha @ Geetha

2.Minor M.Sanjay

(Minor rep. Through his mother and
natural guardian 1st Respondent)

... Respondents 1 &2/
Petitioners 1 & 2

3.V.V.Palanichamy

4.Gandhimathi

5.K.Malathi

6.K.Shamugasundaram

7.K.Nirmala

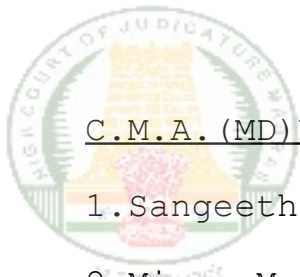
8.K.Amudha ...Respondents 3 to 8/ Respondents 1,3 to 7

Prayer: Appeal filed under 173 of Motor Vehicles Act, 1988,
against the Judgment and decree in M.C.O.P.No.308 of 2013 dated
13.08.2013 on the file of the Motor Accidents Claims Tribunal,
Special District Court, Tiruchirappalli.

For Appellant : Mr.D.Sivaraman

For R1 and R2 : Mr.Sudhagar Nagaraj

For R3 to R8 : No Appearance



C.M.A. (MD) No.582 of 2014

1.Sangeetha @ Geetha

2.Minor M.Sanjay

(Minor appellant represented by his mother and
natural Guardian-1st appellant) ...Appellant / Claimants
Vs.

1.V.V.Palanichamy

2.National Insurance Company Limited,
Divisional Office,
Promenade Road,
Cantonment,
Trichy.

3.Gandhimathi

4.K.Malathi

5.K.Shamugasundaram

6.K.Nirmala

7.K.Amudha ... Respondents/Respondents
(..1st respondent set ex-parte by the Tribunal
Hence, notice may be given up against R1 herein)

Prayer: Appeal filed under 173 of Motor Vehicles Act, 1988,
against the Judgment and decree in M.C.O.P.No.308 of 2013 dated
13.08.2013 on the file of the Motor Accidents Claims Tribunal,
Special District Court, Tiruchirappalli.

For Appellants : Mr.Sudhagar Nagaraj

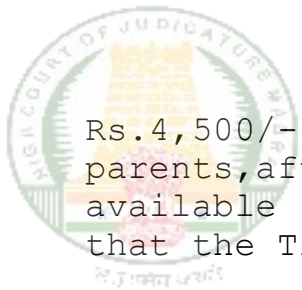
For R1,R3 to R7 : No Appearance

For R2 : Mr.J.S.Murali

COMMON JUDGMENT

The insurance company has filed CMA(MD)No.268 of 2017
questioning the impugned award on the ground of quantum. The
claimants have also filed CMA(MD)No.582 of 2014 seeking
enhancement of compensation awarded to them by the Tribunal.

<https://hcservices.courts.gov.in/hcservices/>
2.The deceased was aged about 35 years. The accident took
place in the year 2006. His monthly income was fixed at



Rs.4,500/-. Since the dependants comprised wife, son and aged parents, after making one third deduction, the monthly income available for the family was quantified at Rs.3,000/-. It is seen that the Tribunal awarded a sum of Rs.8,83,800 in all.

3. I am of the view that the compensation awarded by the Tribunal cannot be said to be excessive. There is no merit in the appeal.

4. The award dated 13.08.2013 in M.C.O.P.No.308 of 2013 on the file of the Motor Accidents Claims Tribunal, Special District Court, Tiruchirappalli is confirmed.

5. The appellant/ insurance company is directed to pay the said award amount with interest at 7.5% per annum with costs from the date of petition till the 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. The first claimant is permitted to withdraw the proportionate amount, less the amount already withdrawn by her, if any. The share of the second minor claimant shall be deposited in any one of the Nationalised Bank. The natural guardian of the second minor claimant is permitted to withdraw the accrued interest once in three months directly from the Bank.

6. These Civil Miscellaneous Appeals are dismissed. No Costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-
Assistant Registrar(CO)

/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. (2 copies)

+ 1 cc TO Mr.N.Sudhagar Nagaraj , Advocate in SR No. 89589
+ 1 cc TO Mr.D.Sivaraman , Advocate in SR No. 88952

smi
AE/MR/SAR2/21.02.2018/3P/6C