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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 23.10.2017
CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
C.M.A. (MD) No. 475 of 2017
and
C.M.P. (MD) .No. 5141 of 2017

The Branch Manager,
National Insurance Company Limited,
T.S.No.4132, East Main Street,
Pudukottai-622 001.

...Appellant/2nd Respondent

Vs.

1.Tmt.Manickavalli
2.Minor Murugesan
3.Minor Sevugaperumal
4.Tmt.Santhanam
5.Thiru.Karuppaiah

(Minor respondents 2 & 3 are represented
by their mother and guardian Tmt.Manickavalli).

... Respondents 1-5/Petitioner

6.Thiru.E.S.V.Rahamathullah

(R6 Exparte in Tribunal; Notice dispensed with)

... Respondent No.6/1st Respondent

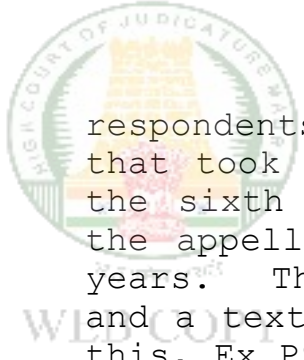
Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988 to set aside the order and decree dated 30.12.2011 passed in M.C.O.P.No.30 of 2010 on the file of the Motor Accidents Claims Tribunal, Additional District & Sessions Court/Fast Track Court, Pudukottai.

For Appellant : Mrs.K.R.Shivasankari
For Mr.S.Srinivasaraghavan
For Respondents : Mr.N.Balakrishnan for R.1 to R.5
R.6- Exparte in Tribunal. Notice
Dispensed with.

JUDGMENT

National Insurance Company Limited has filed this appeal, questioning the award dated 30.12.2011 made in M.C.O.P.No.30 of 2010 on the file of the Motor Accidents Claims Tribunal, Additional District & Sessions Court/Fast Track Court, Pudukottai.

2.The respondents 1 to 5 herein are the claimants. The husband of the first respondent herein and the father of the



respondents 2 and 3 herein namely Vadivel died in the accident that took place on 23.05.2008. The offending vehicle belonged to the sixth respondent herein. The said vehicle was insured with the appellant insurance company. The deceased was aged about 29 years. The deceased was running a Artificial diamond work shop and a textile shop. He was also a Cable T.V. operator. To prove this, Ex.P9 to Ex.P12 were marked. Considering the activities in which he was involved, the Tribunal fixed the monthly income at Rs.15,000/-. The Tribunal had correctly quantified the amount payable after making the requisite deductions. Since the deceased was only 29 years, multiplier 18 came to be adopted. Since the annual income was Rs.1,80,000/-, the pecuniary loss was quantified as Rs.32,40,000/-. (Rs.1,80,000/-X18). After 1/3rd deduction, the income available for the family would come to Rs.21,60,000/-. In fact for funeral expenses and loss of consortium etc., only lesser amounts have been awarded.

3.As regards the quantum of compensation payable to the claimants the Tribunal awarded a sum of Rs.22,35,000/- with interest at 7.5% per annum. Negligence was rightly fixed by the Tribunal on the sixth respondent herein. There is no justification in taking a different view. Therefore, the quantum of compensation awarded by the Tribunal cannot be by any stretch of imagination termed as excessive. The said finding stands confirmed. I find no merit in this appeal. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

/True copy/

Sub Assistant Registrar

To

1. The Additional District & Sessions Court/Fast Track Court,
The Motor Accidents Claims Tribunal,
Pudukottai.

2. The Record Keeper, Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR.S.Srinivasaraghavan, ADVOCATE IN SR No.83214

tsg

MK/KK/SAR-1/09.11.2017/2P/4C

C.M.A. (MD) No.475 of 2017

and

C.M.P. (MD) No.5141 of 2017

23.10.2017