



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2017

CORAM

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

C.M.A (MD) No. 623 of 2017

Palaniammal (Died)

Mohanraj

... Appellant / Petitioner

Vs.

1.Gunasekar

2.The Manager,

Iffco-Tokia General Insurance Company Ltd.,

IFFCO Tower,

Plot No.3, Sector-29,

Gurgaon, Haryana.

... Respondents / Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to allow this appeal and enhance the award amount in M.C.O.P.No.52 of 2013 on the file of the Motor Accident Claims Tribunal, (Additional Subordinate Judge), Karur, dated 15.03.2016.

For Appellant :Mr.K.Suresh Kumar

For R1 :No appearance

For R2 :Mr.V.Sakthivel

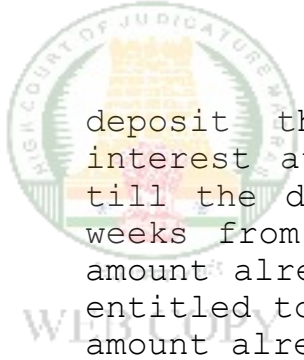
J U D G M E N T

This appeal has been filed for enhancement. The claimant got injured in an accident involving an Innova car that belonged to the first respondent and which was insured with the second respondent herein. She died during the pendency of the proceedings before the Tribunal. It was established that the death of the claimant was due to cancer and not on account of the said accident. However the Tribunal has awarded a sum of Rs.6,48,944/-, as compensation to the son of the original claimant.

2.A look at the break up would show that compensation for pain and sufferings, medical expenses, extra nutritioun, transport expenses and loss of income have been awarded. The appellant has not made out any case for enhancement of the award of the lower Court. The order in M.C.O.P.No.52 of 2013 on the file of the Motor Accident Claims Tribunal, (Additional Subordinate Judge), Karur, dated 15.03.2016 is confirmed.

<https://hcservices.courts.gov.in/hcservices>

3.The second respondent insurance company is directed to



deposit the entire compensation amount of Rs.6,48,944/- with interest at the rate of 7.5% per annum 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 On such deposit, the claimant is entitled to withdraw the same by filing proper application, less the amount already withdrawn by him, if any.

4.The Civil Miscellaneous Appeal is dismissed. No Costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The Additional Subordinate Judge,
Motor Accident Claims Tribunal, Karur.

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

COPY TO:

Gunasekar,
S/o.Manickam,
M/s.Engineers Enterprises,
No.189, Bharathiyaar Road,
Ganapathy, Coimbatore.

+1cc to Mr.V.SAKTHIVEL Advocate in SR. No. 85384

+1cc to Mr.K.SURESH KUMAR Advocate in SR. No. 85381

CMR

JS/KP/SAR.4/18.12.2017/2P-6C

C.M.A(MD)No. 623 of 2017
03.11.2017