



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.573 of 2015

and

M.P (MD) No.1 of 2015

The Oriental Insurance Company Limited,
Rep.by its Branch Manager,
Door No.39/40, Workshop Road,
Saratha Shopping Centre,
Simmakkal, Madurai,
Madurai District.

... Appellant/2nd Respondent

Vs.

1.Muthumanickam
2.Guruvammal
3.Sakthivel

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

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree made in MCOP.No.845 of 2012, dated 14.11.2014 on the file of the Motor Accident Claims Tribunal cum Additional District & Sessions Judge, Dindigul.

For Appellant : Mr.K.Bhaskaran
For Respondents : No Appearance

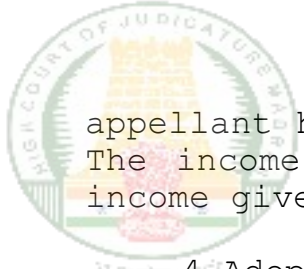
JUDGMENT

The Oriental Insurance Company has filed this Civil Miscellaneous Appeal questioning the award dated 14.11.2014, made in MCOP.No.845 of 2012 on the file of the Motor Accident Claims Tribunal cum Additional District & Sessions Judge, Dindigul.

2.The claimants are respondents 1 and 2 herein. The deceased Ramalingam was the son of the claimants. He was working as a driver. When he was driving a Omni van, the bus belonging to the third respondent herein was coming from the opposite direction and dashed against him causing his death. A few others also died in the accident. Crime No.68/2012 was registered on the file of Thirunagar police station against the driver employed by the third respondent herein.

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

3.The Tribunal rightly fixed the negligence on the driver of the third respondent. Since the said bus was insured with the



appellant herein, the appellant was liable to pay the compensation. The income of the deceased was fixed at Rs.6,000/-. The annual income given to the claimants was fixed at Rs.48,000/-.

4. Adopting the multiplier 14, a sum of Rs.6,72,000/- was determined as a pecuniary loss. A sum of Rs.10,000/- was awarded towards loss of love and affection. A sum of Rs.5,000/- was awarded towards funeral expenses. In all, a sum of Rs.6,87,000/- was given with interest at the rate of 7.5 per annum. This cannot be said to be excessive. Only on the ground of quantum, this appeal has been filed.

5. I see no merit in this appeal. It stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Additional District & Sessions Judge,
Motor Accident Claims Tribunal,
Dindigul.
2. The Record Keeper, Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.K.BHASKARAN, ADVOCATE IN SR No. 83157

SKM

TE/JC/SAR-I : 13/11/2017 : 2P/4C

C.M.A. (MD) No.573 of 2015 and
M.P (MD) No.1 of 2015
20.10.2017