



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2017

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CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No. 694 of 2016

and

C.M.P (MD) No. 7199 of 2016

The Branch Manager,
Oriental Insurance Company,
Sri Vijay Company, 2nd Floor,
Opp.to Bus Stand, Theni Post,
Theni.

... Appellant/2nd Respondent

vs

1.S.Rengaraj

2.S.Manikandan

... 1st and 2nd Respondent/Petitioner

3.V.Sivakumar

... 3rd Respondent/1st Respondent

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the judgment and decree in M.C.O.P.No.24 of 2014 on the file of the Motor Accident Claims Tribunal cum learned Sub Court, Uthamapalayam dated 03.08.2015 and allow this appeal.

For Appellant : Mr.Israel K.Mani

For Respondents : Mr.G.Vanjinathan for R1 & R2
Mr.K.Kumaravel for R3

J U D G M E N T

This Civil Miscellaneous Appeal has been filed by the Oriental Insurance Company challenging the award dated 03.08.2015 made in MCOP.No.24 of 2014 on the file of the Motor Accident Claims Tribunal cum Sub Court, Uthamapalayam.

2.The claim petition was filed by the brothers of the deceased. The deceased Murugesan died in the case of hit-and-run that took place on 09.01.2013. The Tribunal awarded a sum of Rs.5,43,000/- to be paid with interest at the rate of 7.5%.



3. The learned counsel for the appellant contended that the very involvement of the vehicle in question is doubtful. But, it is seen that the F.I.R was given by the Village Administrative Officer. From the side of the appellants, no evidence was adduced. Crime No.11/2013 was registered on the file of Veerapandi Police Station against the offending driver. That is why, the Court below came to the conclusion that the accident in question took place on account of the rash and negligent driving of the offending driver.

4. There is no reason to take a different view. The Court below has taken the monthly income of the deceased at Rs.6,000/- per month. This cannot be said to be excessive. The multiplier of 13 was adopted. Since the deceased was a bachelor, 50% reduction towards personal expenses was effected. A sum of Rs.25,000/- was awarded towards funeral expenses. A sum of Rs.50,000/- was awarded for loss of love and affection. Thus, totally a sum of Rs.5,43,000/- was awarded. The Tribunal adopted the correct approach. The appellants have not made out a case for interfering with the same. This appeal is without any merit. It stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

The Motor Accident Claims Tribunal cum Sub Court,
Uthamapalayam.

Copy to:

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

+ 1 cc TO Mr.Israel K.Mani , Advocate in SR No. 82431
+ 1 cc TO Mr.G.Vanjinathan , Advocate in SR No. 82517

Skm

AE/KP/SAR2/26.10.2017/2P/5C

**C.M.A. (MD) No.694 of 2016
and**

**C.M.P (MD) No.7199 of 2016
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