



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 08.08.2017

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.A.No.682 of 2011

and

M.P.(MD)No.3 of 2011

United India Insurance Company Limited,
Vilupuram Branch, Represented by its
Branch Manager,
Villupuram Taluk and Town.

.. Appellant / 3rd Respondent

Vs.

1.S.Sivagami
2.P.Bakkiyam
3.K.M.Periyasamy

.. Respondents 1 to 3 /
Petitioners

4.R.Ravi

.. 4th Respondent/
1st respondent

5.N.Mohamed Basha

.. 5th respondent/
2nd respondent

Prayer:- Appeal filed under Section 173 of the Motor Vehicles Act,
against the judgment and decree, dated 23.02.2010 passed in
M.C.O.P.No.297 of 2006 by the Motor Accident Claims Tribunal,
District Court, Karur.

For Appellant
For Respondents

: Mr.V.J.Kumaravel
: No Appearance

J U D G M E N T

This Civil Miscellaneous Appeal is directed against the
judgment dated 23.02.2010 passed in M.C.O.P.No.297 of 2006 by the
Motor Accident Claims Tribunal, District Court, Karur.



2.The case of the claimants is that on 26.02.2006 at about 10.45 a.m., the deceased in connection with his business affairs proceeded along with one Raju, who is one of his friends, from east to west on the Karur-Coimbatore road in a two wheeler. When the two wheeler was coming near Pudukkanalli Village, the first respondent lorry came in a rash and negligent manner and dashed against the two wheeler. As a result of which, the deceased and his friend sustained multiple and grievous injuries all over the body and was taken to hospital for treatment. But he succumbed to his injuries and died. Hence, the legal heir of the deceased filed a petition before the Tribunal claiming compensation for a sum of Rs.50,00,000/-.

3. Before the Tribunal on the side of the petitioners, P.Ws.1 to 6 were examined and Exs.P1 to P23 were marked. On the side of the respondents no oral or documentary evidence was marked.

4.The Tribunal, after considering the pleadings, oral and documentary evidence and arguments of the counsel for the appellant and claimants and also on appreciating the evidence on record, held that the accident occurred only due to the rash and negligent driving of the driver of the lorry, which is insured with the Insurance Company and directed the appellant/Insurance Company to pay a sum of Rs.15,64,000/-, as compensation, along with interest at the rate of 7.5% p.a.

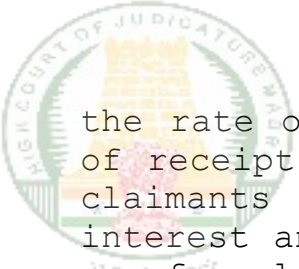
5.At the outset, the learned counsel for the appellant fairly conceded that he is not disputing the accident but he is disputing only the quantum awarded by the Tribunal. So, the finding of the Tribunal regarding rash and negligent driving of the driver of the lorry does not require any interference.

6.Heard the learned counsel for the appellant and perused the materials available on record.

7.On perusal of the order of the lower Court at paragraph Nos.17 to 20, 22 and 24, the learned Tribunal has elaborately discussed the various business conducted by the petitioner and though the loss is heavy as per the discussions, the learned Judge has reasonably assessed the loss and has arrived at his monthly income as Rs.11,750/- and has awarded a sum of Rs.15,04,000/- for loss of income. The Tribunal has also awarded a sum of Rs.20,000/- towards consortium; for funeral expenses Rs.10,000/-; and for love and affection a sum of Rs.10,000/- each, which are reasonable and therefore, there is no infirmity in the order passed by the Tribunal. Accordingly, the award of the Tribunal is confirmed.

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

8.In view of the above, the appellant / Insurance Company is directed to deposit the entire award amount with interest at



the rate of 7.5% p.a. within a period of six weeks from the date of receipt of a copy of this order, if not already deposited. The claimants are permitted to withdraw the entire award amount with interest and costs, as apportioned by the Tribunal, without filing any formal petition.

WEB COPY

9.The Civil Miscellaneous Appeal is dismissed. Consequently, connected Miscellaneous Petition is also dismissed. No costs.

Sd/-
Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

1.The Motor Accident Claims Tribunal,
District Court, Karur.

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

+One cc to M/s.V.J.Kumaravel, Advocate, SR.No.71218

rlj2
RL/4C/3P/JC/SAR1/6/9/2017

C.M.A. (MD) No.682 of 2011

08.08.2017