



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2017

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THE HONOURABLE MRS.JUSTICE J.NISHA BANUC.M.A(MD)No.895 of 2011
and M.P (MD)No.2 of 2011

National Insurance Company Limited,
Branch Office,
Represented by its Branch Manager,
No.63, West Pradhakshinam Road,
Karur Taluk, Karur District.

... Appellant/2nd Respondent

Vs.

1.Kannadhasan

2.Poongodi

3.Sathieshkumar

... Respondents 1 to 3/Petitioners

4.P.Kaliappan

... 4th Respondent/Respondent-1

(The lower court dismissed the claim as against the third
respondent)

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the
Motor Vehicles Act, 1988, to set aside the fair and decreetal
order dated 25.02.2010, made in M.C.O.P.No.531 of 2006, on the
file of Motor Accidents Claims Tribunal (District Court), Karur.

For Appellant : Mr.S.Srinivasa Ragavan

For Respondents : No Appearance

J U D G M E N T

This Civil Miscellaneous Appeal has been filed by the
appellant/Insurance Company Limited against the award dated
25.02.2010, made in M.C.O.P.No.531 of 2006 on the file of Motor
Accidents Claims Tribunal (District Court), Karur.

2. It is a case of fatal accident that took place on
29.04.2006 at Karaikal Main Road, in which, the driver of the
vehicle bearing Registration No.TN-07-X-8317, which is insured
with the appellant-Insurance Company, drove the vehicle in a rash
and negligent manner and dashed against the deceased, who was
standing on the extreme left side of the road and caused the
death.

3. The claimants filed an application in M.C.O.P.No.531
of 2006 on the file of the Motor Accident Claims Tribunal,
Karur, seeking compensation.

4.Before the Tribunal, the first claimant was examined
himself as P.W.1 and another witness was examined as P.W.2 and
marked eight documents as Ex.P.1 to Ex.P.8. The appellant did
not let in any oral and documentary evidence.



5. 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 first respondent vehicle insured with the appellant/Insurance Company and directed the appellant/ Insurance Company to pay a sum of Rs.5,70,000/- as compensation.

6. Against which, the appellant/Insurance Company has filed this present appeal on the ground that the Tribunal ought not have taken into consideration the age of the deceased for adopting multiplier since the age of the mother of the deceased is higher than the age of the deceased. He further submitted that the grant of a sum of Rs.5,70,000/- is excessive and the same should be reduced.

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

8. It is well settled that in the given circumstances, the age of the deceased can be taken into consideration for applying the multiplier instead of taking into consideration the age of the parents. The Tribunal has applied the correct multiplier by relying on the judgment reported in *Sarla Verma v. Delhi Transport Corporation*, reported in 2009(2) TN MAC 1 (SC) and the compensation awarded by the Tribunal is a just compensation. The amounts awarded under the other heads are also just and reasonable and therefore, there is no infirmity in the award passed by the Tribunal and the same does not require interference at the hands of this Court.

9. In the result, this Civil Miscellaneous Appeal is dismissed and the award dated 25.02.2010, made in M.C.O.P.No.531 of 2006 on the file of the Motor Accident Claims Tribunal (District Court), Karur, is hereby confirmed. The appellant/Insurance Company is directed to deposit the entire award amount with accrued interests and costs, within a period of eight weeks from the date of receipt of a copy of this order, if not already deposited and on such deposit being made, the respondents 1 and 2/ claimants 1 and 2 are permitted to withdraw their respective shares as apportioned by the Tribunal, with proportionate interests and costs, without filing formal permission petition. No Costs. Consequently, connected M.P.(MD) No.2 of 2011 is closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar



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The District Judge,
The Motor Accidents Claims Tribunal,
Karur.

+One cc to M/s.S.Srinivasa Raghavan, Advocate, SR.No.67585

CM
RL/3C/3P/MR/KKR/SAR1/23/8/2017

C.M.A (MD) No.895 of 2011
and M.P (MD) No.2 of 2011

25/07/2017