



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2018

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CMA(MD)No.236 of 2013

and

M.P(MD)No.1 of 2013

The Branch Manager,
M/s.National Insurance Co.Ltd.,
7/1, West Car Street,
Sivakasi,
Virudhunagar District.

... Appellant/2nd Respondent

vs.

1)S.Mariappan
2)M.Kaleeswari
3)P.S.Ravikumar
Respondent

... Respondents/Petitioners

... Respondent/1st

Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the fair and decreetal order dated 12.09.2007 made in MCOP.No.13 of 2004 on the file of Motor Accidents Claims Tribunal (Subordinate Court), Sivakasi.

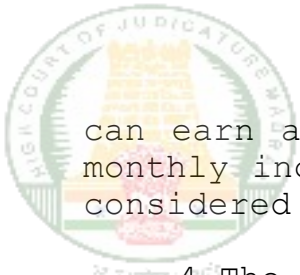
For Appellant	: Mr.S.Srinivasan Raghavan
For R1 & R2	: Mr.M.Suri
For R3	: No Appearance

JUDGMENT

This Civil Miscellaneous has been filed against the fair and decreetal order dated 12.09.2007 made in MCOP.No.13 of 2004 on the file of Motor Accidents Claims Tribunal (Subordinate Court), Sivakasi.

2.Though the appellant has filed this appeal challenging liability and quantum, learned counsel for the appellant restricted his submissions only to quantum, in particular, fixation of monthly income of the deceased at Rs.3,000/-.

3.Perusal of the record shows that accident had occurred in 2002 and the deceased was stated to have working as a Painter and earned Rs.3,000/- per month. It is the contention of the counsel for the appellant that at the age of 71 years, it would not be possible for the deceased to work as Painter and earn Rs.3,000/- per month. The Tribunal observing that even an old man of good health



can earn atleast Rs.1,00/- a day easily in a town life, fixed the monthly income of the deceased at Rs.3,000/- per month, which in my considered opinion, cannot be said to be arbitrary.

4. The appellant is directed to deposit the entire award amount with proportionate accrued interest, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit, the respondents 1 and 2/claimants are permitted to withdraw their respective shares without filing any formal petition before the Tribunal.

Accordingly, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

The Subordinate Judge,
Motor Accidents Claims Tribunal,
Sivakasi.

Copy To:-

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

+ 1 CC TO Mr.S.SRINIVASA RAGHAVAN, ADVOCATE IN SR No. 61763
+ 1 CC TO Mr.M.SURI, ADVOCATE IN SR No. 61744

BALA
TE/SV-MMS/SAR-1 : 06/06/2018 : 2P/6C

CMA (MD) No.236 of 2013
17.04.2018