



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2018

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WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.A (MD) .No.337 of 2013

and

C.M.P. (MD) .No.1 of 2013

The Branch Manager,
National Insurance Company Ltd.,
Keela Raja Veedhi,
Pudukkottai.

... Appellant/ 2nd respondent

Vs.

1.Anjammal

2.Minor Meyyanathan

3.Minor Muthukumar

4.Minor Ranjitha

5.Rengasamy Konar

... Respondents 1 to 5 /
Petitioners / Claimants

6.Sabibullah

... 6th respondent / 1st respondent

(Minor respondents 2 to 4 are represented through their
mother and guaridan, 1st respondent herein)

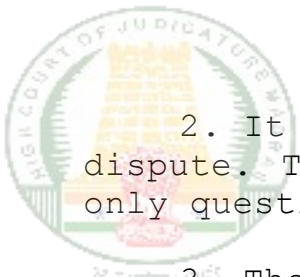
PRAYER:- Appeal filed under Section 173 of the Motor Vehicles Act,
1988, against the award, dated 21.07.2004, passed in
M.C.O.P.No.395 of 2000 by the Motor Accident Claims Tribunal /
Additional District Judge, Fast Track Court, Pudukkottai.

For appellant : Mr.J.S.Murali

For respondents : No appearance

JUDGMENT

Heard the learned counsel appearing for the appellant /
<https://hcservices.ecourts.gov.in/hcservices/>
Insurance Company.



2. It is a case of fatal. The manner of the accident is not in dispute. The appellant / Insurance Company has filed this appeal only questioning the quantum.

3. The learned counsel appearing for the appellant / Insurance company would submit that without any valid proof, the Tribunal has fixed a sum of Rs.4,500/- p.m. as notional income of the deceased, which is on the higher side and therefore, the same may be reduced. He would further submit that the Tribunal has awarded higher rate of interest at 9% p.a., instead of awarding the normal rate of interest ie., 7.5% p.a. and therefore, the same may be reduced. Thus, he prayed to reduce the award amount.

4. It is seen from the record that though the claimants have stated that before the accident, the deceased was earning a sum of Rs.6,000/- p.m. by doing mason work and agricultural work in the land owned by him, the Tribunal has fixed only a sum of Rs.4,500/- p.m. As the deceased was stated to be working as mason, this Court is of the view that the amount fixed by the Tribunal as the monthly income of the deceased is very less. More over, the Tribunal has deducted about 40% of the income of the deceased towards personal expenses and has not awarded any sum towards pain and sufferings. Therefore, it cannot be said that the Tribunal has excessively awarded.

5. So far as the rate of interest awarded by the Tribunal is concerned, this Court is of the view that it may be reduced to 7.5% p.a., which is being awarded by this Court in the normal course. Accordingly, the rate of interest alone is reduced from 9% p.a. to 7.5 % p.a. In other respects, the award passed by the Tribunal is confirmed.

6. In the result, this Civil Miscellaneous Appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

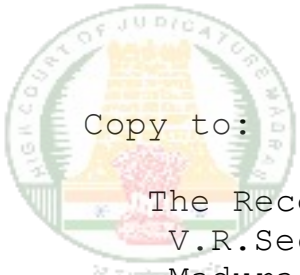
Sd/-
Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

The Additional District Judge,
(Fast Track Court),
Motor Accident Claims Tribunal,



Copy to:

The Record Keeper,
V.R.Section,

Madurai Bench of Madras High Court,
Madurai. (2 copies)

+ 1 cc TO Mr.J.S.Murali , Advocate in SR No. 70270

gcg

AE/PN/SAR4/23.07.2018/3P/5C

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