

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2019

CORAM:

THE HONOURABLE Mr. JUSTICE R.MAHADEVAN

Civil Miscellaneous Appeal No.8 of 2004

The National Insurance Co. Ltd.,
Dharmapuri

... Appellant /2nd Respondent

Vs.

1. Latha
2. Minor Abithasree, 1 year
3. S.Vijaya
4. Srinivasan
(Minor Rep. by Natural Friend and mother Latha)
5. N.Chockalingam ... Respondents/Petitioners

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 24.03.2003 passed in MCOP No.110 of 2002 on the file of the Motor Accident Claims Tribunal, II Additional District Judge cum Chief Judicial Magistrate, Krishnagiri.

For Appellant : Mr. S.Arunkumar

For Respondents: No Appearance

J U D G M E N T

As against the claim made for a sum of Rs.20,00,000/- by the claimants / respondents, the Tribunal has passed an award for a sum of Rs.5,62,000/- with costs. Challenging the same, the Insurance Company has filed this Appeal.

2. At the outset, this Court would like to point out that no steps have been taken by the appellant / Insurance Company for about 15 years, either to serve notice on the claimants or to pay batta, despite notice being ordered by this Court as early as on 05.02.2014. Hence, considering the paucity of time this Court takes up the Appeal itself on merits.

3. A perusal of the award passed by the Claims Tribunal would go to show that the Tribunal has considered the nature of injury, period of treatment and the impact of injury and has given a finding that there is proximate connection between the death and the injury. Therefore, this Court has to deal with the issue of quantum alone.

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4. A perusal of the heads under which compensation was awarded by the Tribunal, i.e., pecuniary, non-pecuniary damages

and loss of earnings would go to show that towards loss of earnings and medical expenses, the Tribunal has awarded a sum of Rs.5,00,000/- and Rs.32,000/- and towards loss of consortium to wife and loss of love and affection to children a sum of Rs.10,000/- each was awarded and towards pain and suffering and funeral expenses a sum of Rs.5,000/- each was awarded, which are in tune with the settled principles of law.

5. Further the accident had taken place in the year 2001. After a period of eighteen years, it may not be proper for this Court to interfere with the quantum of compensation of Rs.5,62,000/-, especially, when the prices have escalated manifold and there is reduction in the value of money. Having regard to the lapse of time, this Court is not in a position to interfere with the quantum of compensation awarded.

6. Thus, this Court is of the view that the amount of compensation, as already awarded by the Claims Tribunal, will be fair enough to compensate the Legal Representatives of the deceased. Therefore, the Civil Miscellaneous Appeal filed by the Insurance Company has no merits. The award of compensation passed by the Claims Tribunal is reasonable, just, fair and does not require any interference by this Court. Thus, the Civil Miscellaneous Appeal is dismissed. No costs.

7. The appellant / Insurance Company shall deposit the entire compensation amount, interests and costs, as awarded by the Claims Tribunal, less the amount already deposited, if any, within a period of four weeks, from the date of receipt of a copy of this judgment. The ratio of apportionment shall be as ordered by the Claims Tribunal. The minor claimant should have attained majority as on now. Therefore, on such petition being taken out to declare the minor claimant as major, the claims Tribunal shall pay the compensation to the RTGS Account of the claimants / respondents. In respect of other claimants, the same procedure shall be followed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

Srk

To

1. Motor Accident Claims Tribunal,
II Additional District Judge
cum Chief Judicial Magistrate,
Krishnagiri.

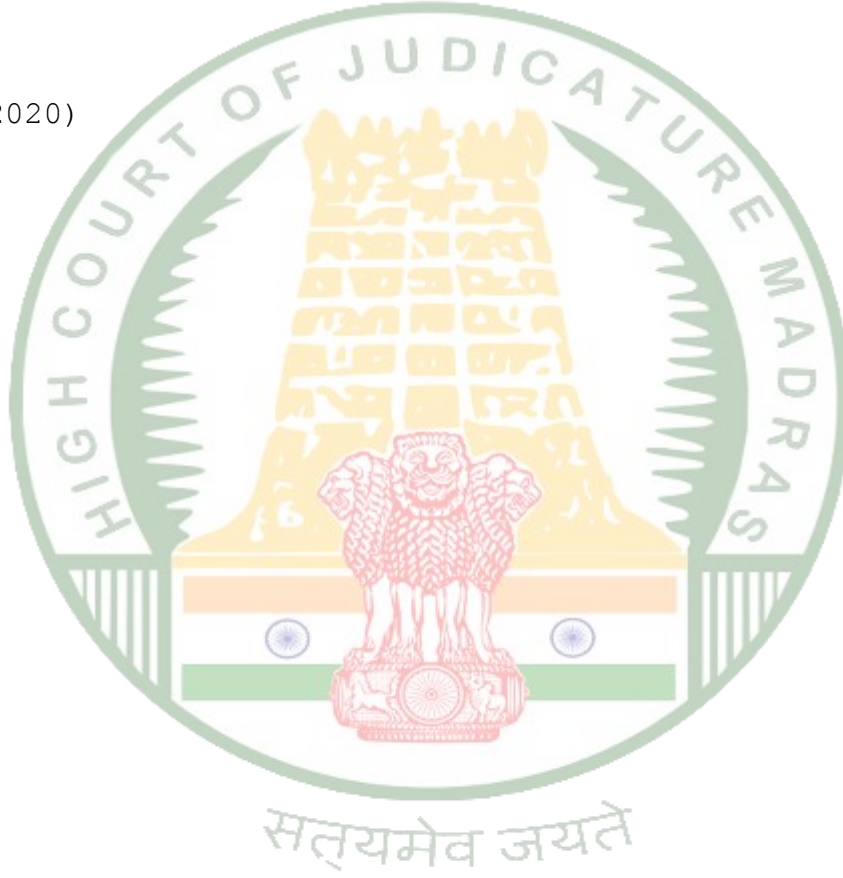
Copy To

The Section Officer,
V.R. Section, High Court,
Madras.

+1cc to Mr.S.Arunkumar, Advocate, S.R.No. 44644

C.M.A.No.8 of 2004

VG II(CO)
GN(01/09/2020)



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