

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2019

CORAM

THE HON'BLE Mr. JUSTICE R.MAHADEVAN

C.M.A. No.2965 of 2006 &
M.P. No.1 of 2006

National Insurance Company,
571, Anna Salai,
Madras 600 002.

... Appellant

Vs.

Shanmugam Pillai (deceased)

1.S.Bagavathy
2.S.Jayakumar
3.S.Sivakumar
4.S.Seethadevi
5.S.Vijayakumar
6.S.Venkatesh
7.S.Selvakumar
8.S.Srinivasan
9.N.Kanagambujam

... Respondents

Civil Miscellaneous Appeal filed under Article 173 of Motor Vehicles Act, 1988 against the Judgment and decree dated 08.03.2006 and made in M.C.O.P.No.648 of 2001 on the file of the Motor Accident Claims Tribunal, Chennai (in the court of Small Causes, Chennai - VI Judge).

For Appellant : Mr. S.Vadivel
For Respondent 1 : Mr.T.Chinnaraaj

J U D G M E N T

The instant Civil Miscellaneous Appeal has been filed by the Insurance Company as against the award dated 08.03.2006 passed by the Claims Tribunal in M.C.O.P.No.648 of 2001.

2.The case in brief is as follows:

On 16.06.2000, at about 23.20 hours, one Shanmugam Pillai was travelling in a Maruti Van bearing registration No.TN07 L 8787 belonging to the 9th respondent and insured with the appellant insurance company. The driver of the said Van drove the vehicle in a rash and negligent manner and hit a MTC bus bearing Regn.No.TN01 N 2668. Due to the said impact, the said Shanmugam Pillai sustained grievous injuries. Stating so, he filed a claim petition claiming a compensation of Rs.2,10,000/-. Thereafter, he died due to the injuries sustained in the accident and his legal heirs were brought on

record. The Tribunal, based on the materials and evidence available on record, has held that the accident had occurred due to the rash and negligent driving of the driver of the Van and accordingly, fastened the liability on the appellant insurance company and ultimately, quantified the compensation at Rs.34,500/- with interest at 7.5%pa from the date of petition. Aggrieved over the same, the insurance company has filed this appeal.

3.The learned counsel for the appellant has not disputed the quantum of compensation awarded by the Tribunal. However, he disputed the liability of the insurance company to pay compensation. According to him, the deceased Shanmugam Pillai did not die due to the injuries sustained in the accident, whereas he died of the natural cause. The learned counsel further submitted that the Tribunal, having found that the injuries suffered by the deceased were simple in nature and the same would not have caused the death of the deceased, ought to have dismissed the claim petition.

4.Per contra, the learned counsel for the first respondent/claimant submitted that the deceased died of the injuries sustained in the accident and the Tribunal awarded only a lesser sum of Rs.34,500/- as compensation to the respondents/claimants and hence, no interference is warranted by this Court.

5.Heard the learned counsel appearing on either side and perused the materials available on record.

6.The Tribunal, after framing the issues, recording the evidence and marking the documents, has ultimately held that there was no acceptable evidence to come to the conclusion that the deceased had died due to the injuries sustained in the accident and the death was on account of natural causes. To arrive at such conclusion, the Tribunal has placed reliance on Ex.P5 discharge summary, which shows that the deceased sustained dislocation of left collis, Laceration injuries in both knees and compression of C5 and P.W.3/doctor, who deposed that the deceased was treated in the old age home by him from 6.10.2000 to 28.10.2002. Though P.W.3/doctor was directed to produced the records relating to administer of medicines to the deceased petitioner and the register of persons living in the old age home, he failed to produce the same. Hence, the Tribunal has rightly come to the conclusion that the deceased had died of natural causes and his legal heirs were entitled for pecuniary damages alone, which this Court is not inclined to interfere.

7.There is no dispute with regard to the quantum of compensation awarded by the Tribunal and hence, the same is confirmed as such.

8.In fine, this appeal stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed. The appellant-Insurance Company is directed to deposit the award amount as ordered by the Claims Tribunal along with interest and costs, 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 being made, the Tribunal shall transfer the same to the respective bank account(s) of the claimants, as per the ratio of apportionment made by the Tribunal, through RTGS within one week thereafter.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

1.The Motor Accident Claims Tribunal,
(in the court of Small Causes, Chennai - VI Judge)
Chennai.

2.The Section Officer,
VR Section, High Court,
Madras -104.

+1 cc to Mr.S.Vadivel, Advocate,sr.46021.

ss(co)
krd 28/9

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