

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2019

CORAM:

THE HON'BLE Mr. JUSTICE R.MAHADEVAN

Civil Miscellaneous Appeal Nos.361 & 362 of 2006
& CMP Nos.1149 & 1150 of 2006

National Insurance Co. Ltd.,
Marathahalli Branch,
Bangalore City

..Appellant/2nd Respondent in both CMAs

..vs..

1. Chennamma

2. T.P.Narayanareddy

..Respondents/Petitioner and
1st Respondent in CMA No.361/2006

1. Raji

2. Mallan

3. T.P.Narayana Reddy

... Respondents/Petitioners 1 & 2
and 1st Respondent in CMA No.362/2006

Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicles Act, 1988, against the awards and decrees, dated 26.11.2004, made in M.C.O.P.Nos.243 & 245 of 1997 on the file of the Motor Accident Claims Tribunal, Subordinate Court, Dharmapuri.

For Appellant : Mr. S.Vadivel

For R-1 in CMA No.361/2006 &

For R-1 & R-2 in CMA No.362/2006 : Mr. V.R.Annagandhi.

COMMON JUDGMENT

These Civil Miscellaneous Appeals have been filed by the Insurance Company, challenging the quantum of compensation awarded by the Claims Tribunal.

2. In respect of an accident that took place on 30.05.1996 at about 08.15 pm in Attibelle to Sajjapura Road, while proceeding towards Madihalli from south to North, Muniraj and Kumar, who travelled in the tractor and trailer, sustained fatal injuries and subsequently, died. The Legal Representatives of the deceased have claimed compensation of Rs.1,00,000/- each, in M.C.O.P.Nos.243 and 245 of 1997 on the file of the Motor Accident Claims Tribunal, Subordinate Court, Dharmapuri.

3. As against the claims made, the Tribunal has awarded a sum of Rs.1,00,000/-, in each of the above cases, to the Legal

Representatives / claimants. Challenging the quantum as excessive, the Insurance Company has filed the present Appeals.

4. Before the Tribunal, on the side of the claimants, P.Ws.1 to 4 were examined and Exs.P-1 to P-5 were marked and on the side of the Insurance Company and owner of the vehicle, R.Ws.1 and 2 were examined and Ex.R-1 was marked.

5. The Tribunal, based upon the facts, materials, evidence and also based upon the dictum laid down in the decision of the Supreme Court, reported in 2004 (1) DAMAC 1 (SC) (C.A.No.16 of 2004) (National Insurance Co. Ltd., v. Baljith Gaur and others) has arrived at the loss of income at Rs.96,000/- (in MCOP No.243/1997) and Rs.90,000/- (in MCOP No.245/1997), by adopting the multiplier of '16'. Towards Funeral expenses a sum of Rs.2,500/- (in both MCOPs) have been awarded and towards loss of love and affection a sum of Rs.10,000/- (in MCOP No.243/1997) and a sum of Rs.15,000/- (in MCOP No.245/1997) have been awarded and thus, the total compensation amount has been restricted to Rs.1,00,000/-, in each of the above cases, (though it exceeds more than that), apart from ordering pay and recovery by the Tribunal.

6. The compensation awarded under all the heads by the Tribunal are just, fair, reasonable and based on settled principles and therefore, there is no ground to interfere with the same. The grounds raised by the appellant herein are against the evidence adduced before the Tribunal.

7. In view of the above, considering the paucity of time and reduction in the value of money between 2004 and 2019, these Civil Miscellaneous Appeals are dismissed. No costs. Consequently, the connected CMPs are closed.

8. The appellant / Insurance Company shall deposit the entire compensation amounts, along with 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. On such deposit being made, the Tribunal is directed to transfer the deposited amount to the Savings Bank Accounts of the claimants / Legal Representatives of the deceased, forthwith, through RTGS.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Motor Accident Claims Tribunal,
Subordinate Court, Dharmapuri.

Copy to : The Section Officer, V.R.Section,
Madras High Court, Chennai 104

+1 cc to M/s.S.Vadivel, Advocate Sr.No. 47228

+1 cc to M/s.V.R.Annagandhi, Advocate Sr.No. 47193

AKM/05.12.19/3P-5C /

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& CMP Nos.1149 & 1150 of 2006



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