

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2019

CORAM:

THE HONOURABLE Mr.JUSTICE RMT.TEEKAA RAMAN

C.M.A.No1639 of 2011

The New India Assurance Co.Ltd.,
No.45, V Floor, Moore Street,
Chennai-1

... Appellant /4th Respondent

Vs.

1.Thangam

2.Priya

3.Rajesh Pilot

4.Minor Logesh

5.Minor Sathesh

6.Jayalakshmi

(Minor R4 and R5 are represented by
their mother R1)

7.Kothandam

8.The Oriental Insurance Company Ltd.,

35, Ramakrishnan Street,

West Tambaram, Chennai-45.

9.Thiyagarajan

(The 7th and 9th respondents herein were the 1st and
3rd respondents before the tribunal and they remained
exparte before the tribunal. Hence, the summons to the
7th and 9th respondents herein may be dispensed with)

...Respondents/Petitioners

Prayer: Civil Miscellaneous Appeal filed under Section 173 of
the Motor Vehicles Act, 1988 against the Judgment and Decree
dated 26.03.2010 made in M.C.O.P.No.340 of 2006, on the file of
Motor Accident Claims Tribunal (Court of Principal Subordinate
Judge, Chengalpattu).

For Appellant : Mrs.Elveera Ravindran

For R1 to R6 : Mr.S.V.Vasantha Kumar

JUDGMENT

Challenging the quantum awarded by the learned Principal Sub-Judge, Chengalpattu in M.C.O.P.No.340 of 2006, the 4th respondent-New India Assurance Company Limited has preferred this Civil Miscellaneous Appeal.

2. The manner of the accident has not been disputed by the appellant. The Tribunal after taking note of the evidence of P.W.1 and also the answer elicited in the cross-examination has come to the conclusion that taking into consideration of the occurrence witness P.W.2, the Tribunal has held that the accident has taken place because of the driver of the van as well as the driver of the lorry. Accordingly, fixed the negligence at the point of 50:50.

3. Furthermore, taking into consideration of the age of the deceased, applied multiplier '13' and the deceased was 45 years of old age at the time of the accident and notional income Rs.4,500/- has been fixed out of which 1/3rd deduction has been made and subsequently awarded the compensation.

4. Taking into consideration of the multiplier adopted and also the notional income fixed by the Tribunal, I do not find that the quantum arrived by the Tribunal is excessive.

5. In view of this matter, this Civil Miscellaneous Appeal is dismissed. The Insurance Company has submitted that the entire amount has already been deposited. It is open to the claimant to file petition before the Tribunal for withdrawal of the compensation amount. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

The Motor Accident Claims Tribunal
(Court of Principal Subordinate Judge,
Chengalpattu).

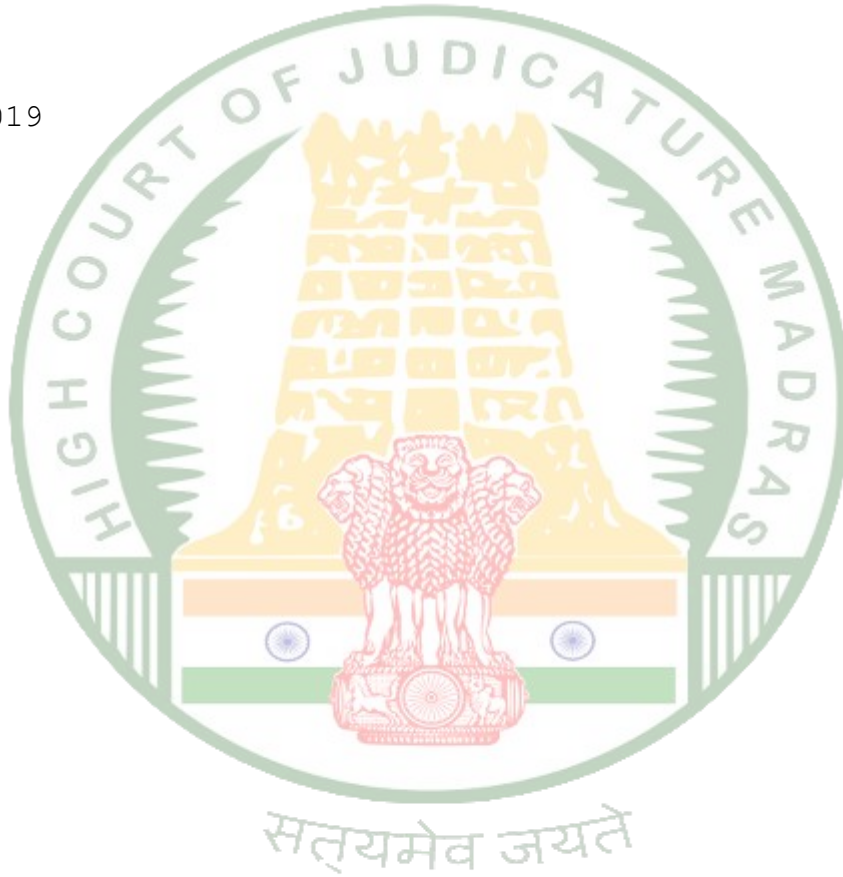
Copy to

The Section Officer,
VR Section, High Court, Madras.

+1cc to Mrs.Elveera Ravindran, Advocate Sr.11748

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