

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.238 of 2019
and C.M.P.No.981 of 2019

1.The Oriental Insurance Company Ltd.,
No.59, Raja Street,
Gobichettipalayam.

2.The Oriental Insurance Co. Ltd.,
No.114-A, Chamundi Shopping Complex,
Omalur Main Road,
I Floor, Four Roads,
Salem.

3.A.Ponnusamy ..Appellants/Respodnents 3,6&5

Vs.

1.L.P.Mani

2.M.Krishnaveni

3.K.A.Ramaraju

4.P.Sivakumar

5.I.Selvam

.. Respondents/Petitioners1&2&
Respondents 1,2&4

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the award dated 09.01.2002 made in M.C.O.P.No.575 of 2001 on the file of the II Additional District Court, (Motor Accident Claims Tribunal), Erode.

For Appellants : Mr.S.Arun Kumar

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J U D G M E N T

This Civil Miscellaneous Appeal has been filed by the appellants against the award dated 09.01.2002 made in M.C.O.P.No.575 of 2001 on the file of the II Additional District Court, (Motor Accident Claims Tribunal), Erode.

2.The appellants are respondents 3, 6 and 5 in M.C.O.P.No.575 of 2001 on the file of the II Additional District

Court, (Motor Accident Claims Tribunal), Erode. The respondents 1 and 2 filed the said claim petition, claiming a sum of Rs.10,00,000/- as compensation for the death of one Karthikeyan who died in the accident that took place on 21.09.2000.

3.The learned counsel appearing for the appellants contended that the Tribunal erred in fixing the notional income of the deceased without any basis and erred in adopting multiplier of '14', while the correct multiplier applicable is only '13'. The Tribunal also erred in awarding a sum of Rs.1,00,000/- towards medical expenses and prayed for reducing the compensation granted to the respondents 1 and 2/claimants.

4.Heard the learned counsel appearing for the appellants and perused the materials available on record.

5.From the materials on record, it is seen that the respondents 1 and 2 contended that the deceased was aged 25 years at the time of accident and was working as a Sales Manager at Poorani Food Products and was earning a sum of Rs.7,000/- per month. The respondents 1 and 2 examined an official from the Poorani Food Products as P.W.2 and marked Ex.A13-salary certificate to prove the income of the deceased. The Tribunal rejected the evidence of P.W.2 and documents filed by the respondents 1 and 2, on the ground that P.W.2 had admitted in the cross examination that the company is not maintaining any attendance register and fixed a sum of Rs.2,500/- per month as notional income of the deceased and granted compensation. The Tribunal taking into consideration that the multiplier applicable for the age of the deceased would exceed '18', applied the multiplier of '14' considering the age of the mother. The respondents 1 and 2 have produced bills for medical expenses. The Tribunal considering the documents produced by the respondents 1 and 2, awarded the amounts, which are not excessive. There is no error in the said award warranting interference by this Court.

6.In the result, this Civil Miscellaneous Appeal is dismissed and sum of Rs.5,24,300/- awarded by the Tribunal as compensation to the respondents 1 & 2/claimants, along with interest and costs is confirmed. The 1st appellant-Insurance Company as well as the respondents 3 and 4 are jointly and severally directed to deposit the award amount along with interest and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this judgment to the credit of M.C.O.P.No.575 of 2001. On such deposit, the respondents 1 and 2/claimants are permitted to withdraw their shares of the award amount, along with interest and costs, as per the ratio of apportionment fixed by the Tribunal, after adjusting the amount, if any already withdrawn,

by filling necessary applications before the Tribunal.
Consequently, the connected Civil Miscellaneous petition is
closed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

gsa

To

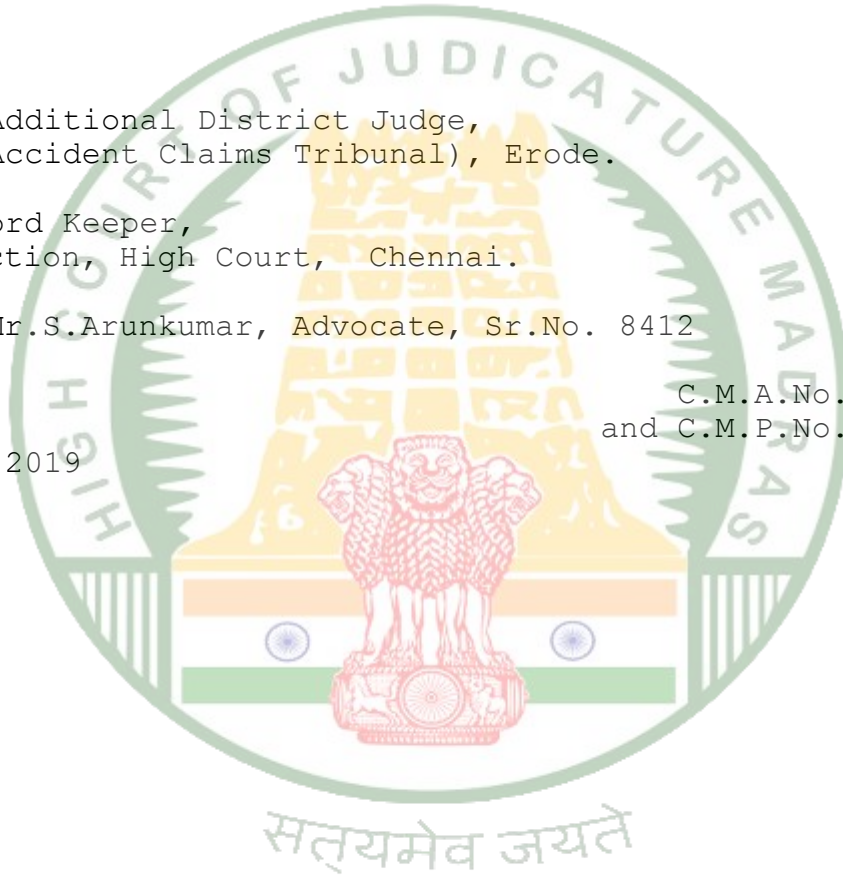
1.The II Additional District Judge,
(Motor Accident Claims Tribunal), Erode.

2.The Record Keeper,
V.R.Section, High Court, Chennai.

+1 cc to Mr.S.Arunkumar, Advocate, Sr.No. 8412

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CSL/10.06.2019



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