

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2019

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

C.M.A.No.1639 of 2018

The Branch Manager,
ICICI Lombard General Insurance Company Ltd.,
No.140, 2nd and 3rd Floor,
Nungambakkam High Road,
Nungambakkam, Chennai. Appellant/2nd Respondent

Vs.

1.Sundari1st Respondent/Claimant
2.Sivakumar
Dhanapal(Died)
3.Rani
4.Sekar
5.Indira2 to 5 Respondents/1,3 to 6
Respondents

PRAYER: Appeal filed under Section 173 of the Motor
Vehicles Act, 1988 against the award passed in
M.C.O.P.No.805 of 2014, dated 04.10.2016 on the file of
Motor Accident Claims Tribunal - cum - I Additional
District and Sessions Court, Vellore.

For Appellant : Mr.K.K.Ramakrishnan

For Respondents : No appearance

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JUDGMENT

(Delivered by M.M.SUNDRESH.,J)

Challenging the award passed by the I Additional
District and Sessions Court, Vellore in M.C.O.P. No.805 of
2014 fixing the compensation at Rs.20,68,000/- for the
death of the deceased, who was a married man, aged about 26

years at the time of death, the present appeal has been filed.

2. The learned counsel appearing for the appellant submitted that the appeal is restricted only to the quantum. The Tribunal, without any basis, fixed the income of the deceased at Rs.9,000/- per month. Though certain amount has been fixed towards the future prospects, 50% of the aforesaid income has been taken into consideration instead of 40%. For the other conventional heads, increases were made other than the admissible limit. Therefore, the award passed by the Tribunal requires interference.

3. Despite service of notice and the names of the respondents having been printed in the cause list, none appears for the respondents.

4. We are dealing with a case of the 1st respondent/claimant, who is a young widow. Apart from her, the mother of the deceased has also been awarded compensation. The deceased was stated to be a young man aged about 26 years at the time of death. The FIR indicates that his avocation was Welder, working under sub-contract in MRF Company at Arakonam. Though the claimant made a statement that the salary of her husband has been Rs.12,000/- per month, the Tribunal fixed a sum of Rs.9,000/-. We do not find that the said fixation appears to be very high even assuming the same is notional. Thereafter, due deductions have been made while making addition towards the future prospects. Accordingly, the total loss of income arrived at is Rs. 18,36,000/-, after adding the other conventional heads, compensation of Rs.20,68,000/- has been arrived at.

5. Thus, we do not find any error in the compensation awarded by the Tribunal. After all, the duty of the Tribunal and this Court is to arrive at a just compensation. The various heads are meant to achieve the object of fixing the just compensation, which has been done in this case. Therefore, we do not find any reason to interfere with the award passed by the Tribunal.

6. In the result, the Civil Miscellaneous Appeal stands dismissed. No costs. Consequently, connected C.M.P.No.13014 of 2018 is closed.

7. The appellant insurance company is directed to deposit the compensation amount awarded by the Tribunal along with proportionate interest, less the amount if any already deposited, to the credit of M.C.O.P.No.805 of 2014

on the file of Motor Accident Claims Tribunal - cum - I Additional District and Sessions Court, Vellore, within a period of eight weeks from the date of receipt of a copy of the judgment.

8.We also direct the Tribunal to transfer the entire amount deposited by way of RTGS to the bank account of the claimants within a period of three weeks from the date of deposit of the award amount. On such transfer, the claimants are entitled to withdraw the same.

Sd/-

Assistant Registrar (CS-VII)

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Sub Assistant Registrar

ssm

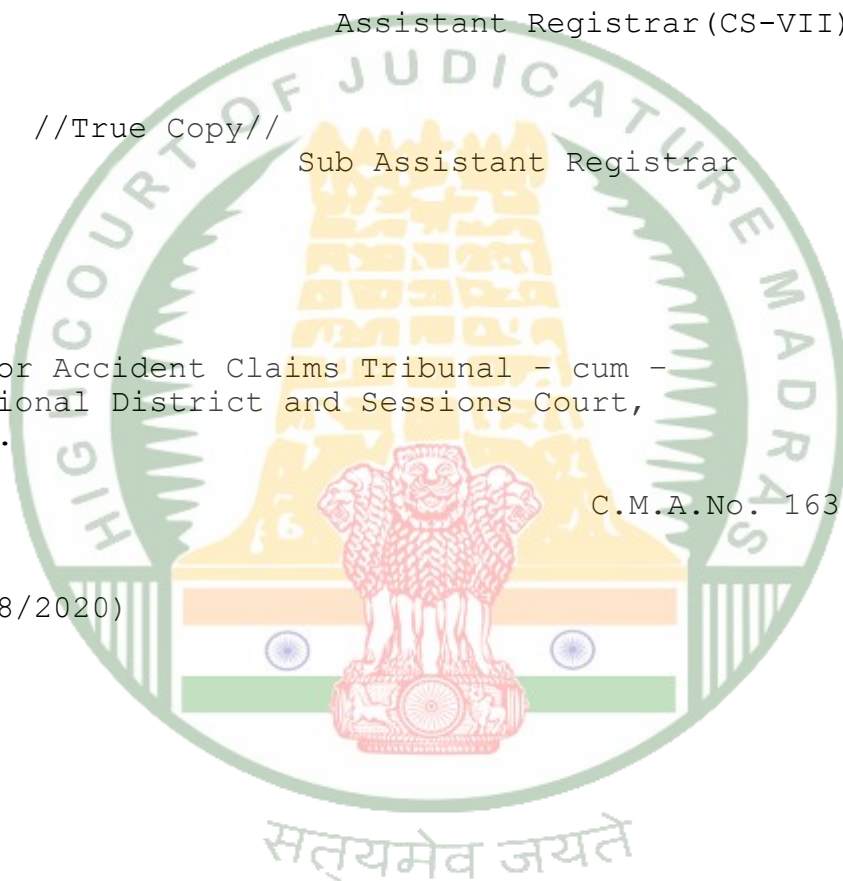
To

The Motor Accident Claims Tribunal - cum -
I Additional District and Sessions Court,
Vellore.

C.M.A.No. 1639 of 2018

CP (CO)

CB (14/08/2020)



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