

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2019

CORAM:

THE HONOURABLE Mr. JUSTICE R.MAHADEVAN

Civil Miscellaneous Appeal No.3361 of 2019
& CMP No.19625 of 2019

United India Insurance Co. Ltd.,
Oriental Theatre Complex,
No.77 Arunachala Achari Street,
Salem 636 001. ... Appellant / Insurer/3rd Respondent

Vs.

Palanisamy (Died)

1. Murugan

2. Vasantha

Santhi (Died)

Valarmathi (Died)

3. Selvi

4. Keerthana

5. Nivetha

6. Minor. Kesavan

S/o Krishnan

(rep by his Sister and Guardian R4)

7. Minor. Muniappan ... Respondents 1 to 7/Claimants 1 to 7

S/o Late Jayapal

(rep by his Uncle and Guardian R1)

8. C.Perumal

9. C.Annadurai ... Respondents 8 & 9 / Respondents 1 & 2

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 26.02.2019 passed in MCOP No.387 of 2012 on the file of the Motor Accident Claims Tribunal, Sub Court, Sankari.

For Appellant : Mr. C.Paranthaman

For Respondents: Mr. SP.Yuvaraj, for R-1 to R-7.

J U D G M E N T

In respect of a fatal accident that took place on 28.03.2012 at 9.30 am, in which one Periyakkal died on the spot, while walking in the Edapadi Jalakandapuram Road on account of the

rash and negligent riding of the rider of the TVS Excel Super Heavy Duty two-wheeler, the legal heirs of the deceased have filed a claim petition before the Tribunal claiming a sum of Rs.41,40,000/- as total compensation. The Tribunal, based on the witnesses and documents account, has fastened the liability on the Insurer / appellant herein as well as Insured and arrived at the total compensation at Rs.6,10,000/-, payable with interest at the rate of 7.5% per annum from the date of petition till the date of deposit.

2. The learned counsel for both sides, on instructions, agreed to have this matter settled for a sum of Rs.5,48,000/- along with interest at the rate of 7.5% per annum from the date of petition till the date of deposit.

3. In view of the said submission, this Court, without going into the merits of the case, is inclined to dispose of this Appeal by reducing the total amount of compensation from Rs.6,10,000/- to Rs.5,48,000/-, with interest at the rate of 7.5% per annum from the date of petition till the date of deposit, payable by the appellant herein (at first instance) and later, recover it from the owner of the vehicle. Accordingly, this Civil Miscellaneous Appeal is disposed of. No costs. Consequently, the connected CMP is closed.

4. The appellant / Insurance Company shall deposit the said compensation amount, along with interest, 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 major claimants within one week through RTGS and the share of the minor claimants shall be deposited in any one of the nationalized banks, in a Fixed Deposit, initially for a period of three years and renewable thereafter and the interest accrued thereon shall be withdrawn by the guardian of the minor claimants once in three months directly from the Bank. The proportionment of compensation among the claimants shall be as per the ratio of apportionment made by the Tribunal.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Motor Accident Claims Tribunal,
Sub Court, Sankari.

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

+lcc to Mr.S.P.Yuaraj, Advocate Sr.78738

+lcc to Mr.C.Paranthaman, Advocate Sr.78402

C.M.A.No.3361 of 2019
& CMP No.19625 of 2019

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srg 13/07/2020