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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE C.SARAVANAN

C.M.A. No. 2274 of 2017
&
C.M.A. No. 878 of 2018

New India Assurance Co. Ltd,
No.127A, Thiruvika Road,
Villupuram

...Appellant
in both C.M.A's/2nd Respondent

Vs.

Kosalai

..1st respondent
in both CMA's

Kathiravan

..2nd respondent
in CMA 2274/17

Karpakam

..3rd respondent
in CMA 2274/17/Claimants 1 to 3

M/s. R.K.Auto Mobiles,
No.1/5, Selvaraj Avenue,
Sipcot,
Chidambaram Road,
Cuddalore Dt - 607 005.

..4th respondent
in CMA 2274/17/1st Respondent
and 2nd respondent
in CMA 878/18

P.Karthikeyam

..5th respondent
in CMA 2274/17
and 3rd respondent
in CMA 878/18/3rd Respondent

The National Insurance Co. Ltd.,
No.F45, Jawaharlal Nehru Road,
Taluk - 25
Neyveli 3



Cuddalore Dt - 607 803.

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Rajendran

..6th respondent
in CMA 2274/17
and 4th respondent
in CMA 878/18/4th Respondent

..7th respondent
in CMA 2274/17
and 5th respondent
in CMA 878/18/5th Respondent

ICICI Lambard Insurance Co. Ltd.,
Chennai

..8th respondent
in CMA 2274/17
and 6th respondent
in CMA 878/18/6th Respondent

Prayer: Appeals filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree in M.C.O.P. Nos.39 of 2008 and 100 of 2007 on the file of the Motor Accident Claims Tribunal (2nd Additional District, Sessions - Judge) at Chidambaram District, dated 20.07.2015

For appellants in
both CMA's : Mr.J.Chandran

For respondents 1 to
3 in CMA 2274/17
&
For 1st respondent in : Mr.Amar D. Pandiya
CMA 878/18

For 8th respondent
in CMA 2274/17
&
For 6th respondent : Ms.R.Sree Vidhya
in CMA 878/18

For respondents
4,5,7 in CMA 2274/17
&
For respondents 2,3 : No appearance
& 5 in CMA 878/18

For 6th respondent in
CMA 2274/17 and 4th
respondent in CMA : Mr.S.Vadivel
878/18



agricultural lands. There is absolutely no material available on record to show that due deduction of agricultural income was made by the assessee in his returns. Thus, the Tribunal ought not have taken into consideration the income as given by the claimants. Thus, we deem it appropriate to fix income at Rs.15,000/- per month and adopt multiplier of '7'. If that is done, a sum of Rs.8,40,000/- (Rs.15000 x 2/3 x 7 x 12) would be arrived at. We are not disturbing the other conventional heads awarded by the Tribunal, including the expenses incurred for the medical treatment. Accordingly, we fix a sum of Rs.18,63,328/- as the compensation payable to the respondents/claimants and the interest awarded by the Tribunal at 7.5% per annum is confirmed. Out of the said amount, the first claimant is entitled to Rs.8,63,328/- and the second and third claimants are entitled to Rs.5,00,000/- each. The amount is directed to be deposited, less the amount, if any, already deposited within a period of eight weeks from the date of receipt of a copy of this order. On such deposit, the respondents/claimants are permitted to withdraw their respective shares along with accrued interest.

8. Insofar as C.M.A. No. 878 of 2018 is concerned, we do not find any error in the award of the Tribunal. The Tribunal taking note of the injury awarded Rs.20,000/- which, in our considered view, is reasonable.

9. In the result, C.M.A. No. 2274 of 2017 is allowed to the extent indicated above and C.M.A. No. 878 of 2018 stands dismissed. No costs. Consequently, connected C.M.P. Nos. 12128 of 2017 and 7376 of 2018 are closed.

s/d-
Assistant Registrar(CS-III)

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Sub-Assistant Registrar

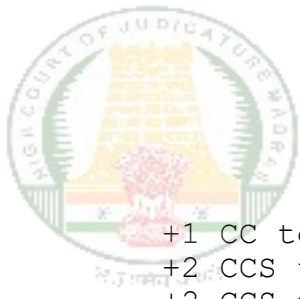
ssm

To:-

The II Additional District & Sessions Judge
Motor Accident Claims Tribunal,
Chidambaram District

Copy to

The Section officer
VR Section, High Court, Madras 104.



+1 CC to Mr.J.Chandran, Advocate sr 33370.
+2 CCS to Mr.S.Vadivel, Advocate sr 33300 & 33301
+2 CCS to Mr.Amar D. Pandiya, Advocate sr 33786 & 33787
+1 CC to Mrs.R.Sreevidya, Advocate sr 33999.

C.M.A. No. 2274 of 2017
&
C.M.A. No. 878 of 2018

GJ(CO)
SP(05/08/2019)