



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 24.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY****CMA(MD)No.1490 of 2008**

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National Insurance Company Ltd.,
Divisional Office,
37C, S.N.High Road,
Tirunelveli Junction,
Through its Divisional Manager. ... Appellant / 2nd Respondent

versus

1. Velammal
2. Velsamy ... Respondents 1 & 2 / Petitioners
3. Issac Abraham ... 3rd Respondent / 2nd Respondent

(R3 remained ex parte before
the Tribunal)

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the award and decree dated 05.01.2008 passed in M.A.C.O.P.No.449 of 2006 on the file of the Motor Accident Claims Tribunal, II Additional District Court, Tirunelveli.

For Appellant : Mr.D.Sivaraman
For R1 and R2 : Mr.T.Selvakumaran
For R3 : Ex parte

JUDGMENT

One Ramiah, aged about 45 years, a cowherd and also doing coolie work and earning a sum of Rs.3,000/- p.m. died in an accident that had occurred on 23.06.2005. Hence, the wife and son of the deceased have filed a petition in M.A.C.O.P.No.449 of 2006, before the Motor Accident Claims Tribunal, Second Additional District Court, Tirunelveli, claiming compensation of Rs.5,00,000. The Tribunal, after considering the oral and documentary evidence, has awarded a sum of Rs.94,000/- as compensation along with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit. Challenging the liability as well as the quantum of compensation, the Civil Miscellaneous Appeal has been filed by the appellant National Insurance Company.

2. Though this appeal has been filed challenging both liability and quantum of compensation, the learned counsel appearing for the Insurance Company has fairly submitted that the compensation of Rs.94,000/- awarded by the Tribunal is very meager amount for the death of the deceased.



3. When the matter was called in the morning, the learned counsel appearing for the Insurance Company sought pass over for taking appropriate instructions from his client on confirmation of the award. After the matter was called, the learned counsel fairly submitted that the award may be confirmed by order of this Court.

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4. The learned counsel for claimants also submitted that the Tribunal, after considering the oral and documentary evidence, has passed the reasonable award and therefore, there is no need for interference.

5. On perusal of the award, it shows that though it was claimed that the deceased was earning a sum of Rs.3,000/- p.m., since no documentary evidence has been produced to prove the same and also considering the age of the deceased as 60 years mentioned in the wound certificate, the Tribunal has fixed the notional income of the deceased at Rs.15,000/- and adopted the correct multiplier of 8. Further, the Tribunal, by deducting 1/3rd amount towards his personal expenses, determined the loss of dependency at Rs.80,000/-. Further, the Tribunal has awarded a sum of Rs.4,000/- towards funeral expenses, Rs.5,000/- towards loss of consortium, Rs.2,000/- towards loss of love and affection and Rs.3,000/- towards mental agony. After taking all aspects, the Tribunal has fixed the compensation of Rs.94,000/-, which is a just and reasonable compensation. Therefore, there is no need for interference with the award passed by the Tribunal and the same is liable to be confirmed.

6. Accordingly, the Civil Miscellaneous Appeal is dismissed, confirming the award dated 05.01.2008 passed in M.A.C.O.P.No.449 of 2006 on the file of the Motor Accident Claims Tribunal, II Additional District Court, Tirunelveli.

7. It is submitted that 50% of the award amount has already been deposited by the appellant Insurance company.

8. Hence, the appellant Insurance Company is directed to deposit the balance award amount along with interest at the rate of 7.5% p.a. from the date of accident till the date of deposit, within a period of six weeks from the date of receipt of a copy of this order. On such deposit being made, the Tribunal shall transfer the respective share of the claimants (as per the apportionment made in M.C.O.P.No. 449 of 2006) directly to their Bank Account, through RTGS, within a period of three weeks thereafter. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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To

1. The Motor Accident Claims Tribunal,
II Additional District Court,
Tirunelveli.

Copy to : The Section Officer, V.R.Section, (2 copies)
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.T.SELVAKUMARAN, Advocate (SR-94468[F] dated 25/10/2019
+1 CC to M/s.D.SIVARAMAN, Advocate (SR-94758[F] dated 25/10/2019)

CMA (MD) No.1490 of 2008
24.10.2019

SMA/24/01/2020/3P/6C