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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2020

CORAM22:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.2456 of 2010

and

M.P. No.1 of 2010

The National Insurance Company Ltd.,
4132, East Main Street,
Pudukottai.

...Appellant/2nd Respondent

versus

1. Kumaravel
2. Kanagarajam
3. Durgadevi
4. Dharmaraja
5. P. Natarajan

...Respondents 1 to 4/Petitioner 1 to 4

...5th Respondent/1st Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated in M.C.O.P. No. 176 of 2006, dated 31.03.2006 on the file of the Motor Accident Claims Tribunal, District Judge, Perambalur.

For Appellant : Ms.N.B.Surekha

For Respondents :R1 to R5 - Incomplete address

JUDGMENT

(This appeal was heard through the Video Conferencing)

This appeal has been filed by the Insurance Company challenging the award dated 31.03.2006 passed by the Motor Accidents Claims Tribunal, (District Court), Perambalur in MCOP No.176 of 2005.

2. The Tribunal under the impugned award directed the Appellant / Insurance Company to pay the respondents 1 to 4, who are the claimants a compensation of Rs.4,36,500/- together with interests and costs, as detailed hereunder :-

Heads	Amount awarded by the Tribunal (Rs.)
Loss of dependency	Rs.4,32,000
Funeral expenses	2,000
Loss of estate	2,500



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Heads	Amount awarded by the Tribunal (Rs.)
Total	4,36,500

3. The only ground raised by the Appellant / Insurance company in this appeal is that the quantum of compensation awarded by the Tribunal is excessive.

4. Heard Ms. N.B.Surekha, learned counsel for the appellant. Since, this Court is going to confirm the award of the Tribunal, the notice to respondents is dispensed with.

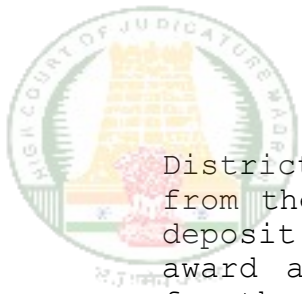
5. This Court has perused and examined the impugned award.

6. The Tribunal has fixed the monthly income of the deceased Ilayaraja, who was a Diploma holder in Auto mobile Engineering and was running an Auto mobile workshop at Rs.2,000/- for an accident happened in the year 2005. This Court is of the considered view that the said assessment cannot be considered to be excessive as alleged by the appellant / Insurance Company. The Tribunal ought to have deducted 50% towards personal expenses of the deceased, who was a Bachelor at the time of the accident. But the Tribunal under the impugned award has erroneously failed to deduct any amount towards personal expenses of the deceased. However, this Court after giving due consideration to the overall compensation awarded by the Tribunal under the impugned award and also to the fact that the Tribunal has failed to award any compensation towards loss of future prospects, the contention of the appellant / Insurance Company that the compensation awarded by the Tribunal is excessive cannot be accepted by this Court.

7. For the foregoing reasons this Court is of considered view that the compensation awarded by the Tribunal cannot be considered to be excessive and it has to be confirmed by this Court.

8. In the result, there is no merit in this appeal and accordingly, the Civil Miscellaneous Appeal shall stand dismissed. No costs. Consequently, connected miscellaneous petition is closed.

9. The Appellant / Insurance Company is directed to deposit the entire award amount awarded by the Tribunal together with interest at 7.5% p.a. from the date of claim petition till the date of realization, less the amount, if any, already deposited to the credit of M.C.O.P. No. 176 of 2005 on the file of the Motor Accident Claims Tribunal,



District Judge, Perambalur, 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 award amount directly to the bank accounts of the first to fourth respondents /claimants, as per the same ratio of apportionment made by the Tribunal, through RTGS, within a period of two weeks thereafter.

Sd/-
Assistant Registrar(CS-VIII)

//True copy//

Sub Assistant Registrar

vsi2

To

1.The District Judge,
Motor Accident Claims Tribunal, Perambalur.

2.The Section Officer,
V.R. Section,
Madras High Court.

+lcc to Ms.N.B.Surekha, Advocate SR.No.31098

C.M.A.No.2456 of 2010

PP(CO)
GMY(19/08/2021)