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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2020

CORAM:

THE HONOURABLE Mr.JUSTICE V.SIVAGNANAM

C.M.A. No. 200 of 2012
and M.P.No.1 of 2012

National Insurance Company Ltd.,
Near Old Bus Stand,
Salem.

..Appellant/3rd Respondent

Vs.

1.Thangammal,
2.Muthulakshmi,
3.Muthusamy,
4.Munusamy,
5.Perumayee
6.A. Moorthi
7.M. Palanivel

...Respondents 1 to 5/Petitioners 1 to 5

..Respondents 6 & 7/Respondent 1 & 2

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the award dated 17.02.2011, made in M.A.C.T.O.P.No. 387 of 2008, on the file of the Motor Accident Claims, Tribunal, Bhavani, Erode District (Subordinate Court, Bhavani).

For Appellant : Mr. S.Vadivel

For Respondents : Mr. C.Kulanthaivel
1 to 5

R6 : No Appearance

R7 : No Appearance

J U D G M E N T

This Civil Miscellaneous Appeal has been filed by the Appellant/Insurance Company against the Judgment dated 17.02.2011 under Motor Vehicle's Act, was disposed by the Motor Accident Claims, Tribunal, Bhavani, Erode District (Subordinate Court, Bhavani).

2.This case relates to the death of one Palanisamy, who was aged about 44 years at the time of death. His monthly income was assessed at Rs.5000/-.



3.The total compensation granted by the Tribunal is Rs.7,44,120/- along with interest at the rate of Rs.7.5% per annum.

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4.The Appellant/Insurance Company filed this appeal challenging the monthly income fixed by the Tribunal as Rs.5000/-.

5.The learned counsel appearing for the appellant/ Insurance Company did not dispute the facts that the deceased was working as an agricultural labour.

6.The learned counsel for the respondents/claimants submitted to raise the award amount in view of present cost of living but, not filed any appeal.

7.I have carefully considered the submission of the learned counsel for both the parties and perused the records.

8.The monthly income of the deceased Palanisamy was assessed at Rs.5000/-. Admitting the facts that the deceased Palanisamy was an agricultural labour, his monthly income fixed at Rs.5000/- is normal, it cannot be taken as it is on higher side.

9.I am of the view that the Tribunal has rightly fixed the monthly income of the deceased. After standard deduction the Annual income was calculated. Further, in this case, the appellant did not dispute the award amount fixed by the Tribunal under various heads. Therefore, I find no merits in this appeal.

10.Hence, this Civil Miscellaneous Appeal is dismissed. Consequently, connected miscellaneous application is also closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

vsn

To

1. The Motor Accident Claims Tribunal,
(Subordinate Court, Bhavani)
Bhavani, Erode District.



Copy to

The Section Officer,

V.R Section,

High Court, Madras.

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+1 CC to M/s.B. Vadivel, Advocate sr 39385

+1 CC to Mr.C. Kulanthaivel, Advocate sr 38911.

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and M.P.No.1 of 2012

CNR(CO)
SP(16/08/2021)