

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 25.09.2020

CORAM :

The HON'BLE DR.JUSTICE G.JAYACHANDRAN
Civil Miscellaneous Appeal No.2055 of 2015
and
M.P.No.1 of 2015

The Reliance General Insurance Company Limited,
No.408, 3rd Floor,
Perundurai Road,
Erode - 11. ... Appellant/3rd Respondent

/versus/

1. Parilamala Devi @ Parimala
2. M.Kodiarasu ... Respondents/1 and 2 Petitioners
- 3.Pradeep
- 4.Selvaraj ... Respondents/1 and 2nd Respondents

Prayer: Civil Miscellaneous Petition has been filed under Section 173 of the Motor Vehicles Act 1988, praying to set aside the order and decree passed in M.A.C.T.O.P.No.380/2012 dated 25.06.2014 on the file of the Motor Accident Claims Tribunal, Subordinate Judge, Sathyamangalam.

For Appellant : Mr.Suresh Srinivasan

For R1 and R2 : Mr.Ma.P.Thangavel

For R3 and R4 : No appearance

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JUDGMENT

(The case has been heard through video conference)

The Insurance Company being aggrieved by the quantum of compensation awarded by the Tribunal, has preferred this appeal.

2.It is the case where 55 years old woman while walking along road was hit by a motor cycle bearing Reg.No.TN 37-A-7854 and died. The Tribunal applying the multiplier and taking

into account the notional income of the deceased as Rs.4,500/- per month, has awarded a sum of Rs. 4,42,300/-. In the appeal, it is stated that the accident was invited by the deceased. The evidence of the victim's daughter that she along with her husband were walking behind the deceased pushing two wheeler. At that time, the motor cycle from east towards west dashed her mother is not worthy of reliance. The quantum of compensation awarded by the Tribunal is questioned stating that the award on various heads including the notional income is excessive.

3.Heard the learned counsel appearing for the appellant and the learned counsel appearing for respondents 1 and 2.

4.The accident had occurred on 23.06.2012. Though in the claim petition, the age of the deceased is mentioned as 46 years as the Tribunal has fixed the age of the deceased as 55 years based on the other documents. It has arrived at the compensation by applying the multiplier prevailing at the point of time taking into her notional income as Rs.4500/-. Hence, this Court finds no reason to interfere with the award of the tribunal. Therefore, this appeal is liable to be dismissed.

5.In the result, this Civil Miscellaneous Appeal is dismissed. The judgment and decree passed by the Motor Accident Claims Tribunal (Subordinate Court), Sathyamangalam made in M.A.C.T.O.P.No.380 of 2012 dated 25.06.2014 is confirmed. The appellant/Insurance Company is directed to deposit the award amount of the Tribunal to the credit of M.A.C.T.O.P. account within a period of 12 weeks from the date of receipt of a copy of this order, if so far not deposited. On such deposit, the claimants /respondents 1 and 2 are permitted to withdraw their respective share amount as apportioned by the tribunal, on filing appropriate application. No costs. The Consequently, connected Miscellaneous appeal is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

The Motor Accident Claims Tribunal,
Suborinate Judge,
Sathyamangalam.

Copy to:

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

C.M.A.No.2055 of 2015
and M.P.No.1 of 2015