

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2020

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.NO.2671 OF 2013

AND

M.P.NO.1 OF 2013

(THROUGH VIDEO CONFERENCING)

Future General India Insurance Co. Ltd.,
S.L.Towers, 2, 3 Floor,
Door No.15, Madurai Road,
Melapputhur, Trichy-1. Appellant/2nd Respondent

Vs.

1.Ganesan 1st Respondent/Petitioner

2.Selvam2nd Respondent/1st Respondent

Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree in M.C.O.P.No.83 of 2011, dated 06.11.2012, on the file of the Motor Accidents Claims Tribunal, Principal District Judge, Ariyalur.

For Appellant : M/s.Harini for
Mr.N.Vijayaraghavan

For R1 : No appearance

R2 : Exparte

J U D G M E N T

Though the name of the learned counsel for the contesting 1st respondent printed in the cause list, there is no representation on behalf of the contesting 1st respondent. The 2nd respondent has remained exparte before the Tribunal. Since no adverse orders are proposed to be passed against the 1st respondent/claimant, this Civil Miscellaneous Appeal is taken up for hearing and is disposed by this Judgment.

2. The Insurance Company is the appellant and is aggrieved by the impugned Judgment and Decree dated 06.11.2012 passed by the Motor Accident Claims Tribunal, Principal District Judge, Ariyalur.

3. By the impugned Judgment and Decree, the Tribunal has awarded a sum of Rs.5,95,000/- together with interest at 7.5% per annum from the date of the claim petition till the date of deposit, to the 1st respondent/claimant, who is the husband and the dependent of the deceased Malliga.

4. The said Malliga died in a motor accident that took place on 28.04.2010 at about 11.30 a.m while she was riding in a bicycle near Iyyanar Temple at Vadaku Peranam Ari Bang, when a Tata Ace Van bearing registration number TN 61 2547 insured with the appellant Insurance Company, dragged the deceased in a negligent manner, as a result of which, the deceased sustained grievous injuries and died on the spot.

5. The 1st respondent filed a claim petition before the Tribunal for compensation. The Tribunal has awarded the aforesaid amount of compensation to the 1st respondent/claimant. Aggrieved by the same, the present Civil Miscellaneous Appeal was filed by the appellant Insurance Company.

6. The learned counsel for the appellant has questioned the quantum of compensation and the status of the 1st respondent/claimant as the dependent of his deceased wife as they were living separately. The learned counsel for the appellant Insurance Company submits that prior to award dated 06.11.2012, the 1st respondent/claimant had a child born through his second wife Selvarani.

7. I have considered the arguments advanced by the learned counsel for the appellant and perused the evidence on record and the impugned Judgment and Decree passed by the Tribunal.

8. Though several grounds have been raised by the appellant Insurance Company both before the Tribunal and this Court, they have not submitted any evidence to substantiate the same. That being the case, I find no merits in the present Civil Miscellaneous Appeal.

9. Therefore, the appellant Insurance Company is directed to deposit the amount of compensation awarded by the Tribunal together with interest at 7.5% per annum from the date of the claim petition till the date of such deposit and cost if any as directed by the Tribunal in the impugned Judgment and Decree, less amount already deposited if any, within a period of six weeks from the date of receipt of a copy of this Judgment.

10. On such deposit, the 1st respondent/claimant is entitled to withdraw the same together with interest as ordered by the Tribunal in the impugned Judgment and Decree, less the amount already withdrawn if any, by filing suitable application before the Tribunal.

11. This Civil Miscellaneous Appeal stands dismissed. No cost. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To:

The Motor Accidents Claims Tribunal,
Principal District Judge, Ariyalur.

C.M.A.No.2671 of 2013
and M.P.No.1 of 2013

MG(CO)
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