

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A.No.703 of 2016

United India Insurance Co.Ltd.,
No.70, NSC Bose Road,
Chennai - 600 079.

Through: Motor Third Party Cell,
No.134, Silingi Buildings,
4th Floor, Greaves Road,
Chennai 600 006.

... Appellant/2nd Respondent

Vs.

A.Parameswaran (since died)

1. Lakshmi

2. P.Pavithra (minor)

3. S.Sangeetha (minor)
(Minors are rep by their mother Lakshmi)

... Respondents 1 to 3 /Petitioners 1 to 4

4. R.Saravanan

5. Kanagambujam

..4th and 5th Respondents/
1st and 3rd Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 06.02.2015 passed in M.A.C.T.O.P.No.2738 of 2005 on the file of the Motor Accidents Claims Tribunal (VI Court of Small Causes), Chennai.

For Appellant : Mr.P.Sankaranarayanan

J U D G M E N T

The civil miscellaneous appeal is filed against the judgment and decree dated 06.02.2015 passed in M.A.C.T.O.P.No.2738 of 2005 on the file of the Motor Accidents

Claims Tribunal (VI Court of Small Causes), Chennai.

2. The accident occurred on 05.06.2005, around 11.15 hours, at Anna Nagar, 2nd Avenue Road & 13th Main Road Junction, Chennai - 40. On account of the accident, the original claimant, who died subsequently sustained fracture over right foot, fracture left clavicle, facial injuries, head injuries and multiple injuries all over the body. A claim petition was filed before the Tribunal seeking compensation of Rs.2,00,000/-. The Tribunal adjudicated the issue with reference to the documents as well as the evidence produced by the respective parties. The coverage of policy is also established before the Tribunal.

3. The learned counsel appearing on behalf of the appellant mainly contended that for arriving at a conclusion regarding the quantum of compensation, the Tribunal has not made any finding and in the absence of such finding, the quantum of compensation is erroneous.

4. This Court is of the considered opinion that the factum regarding the accident is established by the claimant. The policy coverage is also established and the nature of injuries are also taken note of by the Tribunal with reference to the deposition of Lakshmi (PW1), wife of the deceased claimant.

5. Lakshmi (PW1), in her evidence, has stated that her husband (deceased claimant) sustained fracture over right foot, fracture left clavicle, facial injuries, head injuries and multiple injuries all over the body on account of the road accident. Lakshmi (PW1) has further stated that her deceased husband had taken treatment in the Government Hospital at Kilpauk and admitted in ICF hospital as in-patient from 13.06.2005 to 20.06.2005 and he was taking treatment thereafter continuously and died on 16.02.2007.

6. The learned counsel appearing on behalf of the appellant submitted that the death of the original claimant is not on account of the accident and therefore, the appeal is to be considered.

7. This Court is of the considered opinion that that there is no specific finding in respect of the nature of injuries. The evidence of Lakshmi (PW1) reveals that her husband (deceased claimant) was taking treatment even after his discharge and was continuing the treatment in ICF hospital from 13.06.2005 to 20.06.2005. The total compensation awarded by the Tribunal is Rs.1,00,000/- and this Court does not find it as exorbitant and therefore, not inclined to interfere with the quantum of compensation awarded by the Tribunal.

8. The appellant is directed to deposit the entire award of compensation with accrued interest, if not deposited earlier, within six weeks from the date of receipt of a copy of this order and on such deposit, the legal heirs of the original claimant are permitted to withdraw the said amount by filing an appropriate application and the payments are to be made only through RTGS.

Resultantly, the judgment and decree dated 06.02.2015 passed in M.A.C.T.O.P.No.2738 of 2005 on the file of the Motor Accidents Claims Tribunal (VI Court of Small Causes), Chennai, stands confirmed and C.M.A.No.703 of 2016 stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

Nsd

To

1. The Judge,
Motor Accidents Claims Tribunal,
(VI Court of Small Causes),
Chennai.
2. The Section Officer,
V.R Section,
Madras High Court,
Chennai - 600 104.

+1cc to Mr.P.Sankaranarayanan, Advocate, S.R.No. 20023

C.M.A.No.703 of 2016

RJI (CO)
GN(14/12/2020)

WEB COPY