



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2020

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

C.M.A.No.3528 of 2019

1. Devi
2. Indumathi
3. Indhu Vijayan
4. Veerakumar
5. Vijayakumari @ Saranya
6. Sugnaya ... Appellants

Vs.

The Oriental Insurance Company Limited,
Kumbakonam,
rep. by its Divisional Manager,
having his office at 1st floor,
Gopal Rao Library Building,
Town Hall Road,
Kumbakonam and District Munsif ... Respondent

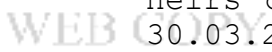
PRAYER:- Civil Miscellaneous Appeal preferred under Section 173 of Motor Vehicles Act against the judgment and decree passed in MCOP No.164 of 2015, dated 12.12.2017 on the file of the Motor Accident Claims Tribunal, District Court, Karaikal.

For Appellants : Mr. T.Saikrishnan

For Respondent : Mr. S.Arunkumar

J U D G M E N T

Aggrieved with the dismissal of the claim petition dated 12.12.2017 in MCOP No.164 of 2015, the claimants are before this Court with this appeal.



It is a case of fatal accident. The claimants are the legal heirs of the deceased, namely, Chinnathambi @ Rajendiran. On 30.03.2015, at about 12.15 p.m., while the deceased was riding a two wheeler in the Singaravelar Salai, Karaikkal opposite to Municipal waste storage yard from south to north direction, a pedestrian suddenly crossed the road. In order to avoid hitting the said person, he turned the two wheeler and fell down, and thereby, sustained fatal injuries, hence, claiming compensation of Rs.50 lakhs, the claim petition has been filed against his own Insurance Company.

4. In order to prove the claim, the Appellants/claimants examined P.W.1 and P.W.2 and marked as many as 11 documents. On the side of the respondent, neither any witness nor documentary evidence has been adduced.

6. Heard both sides and perused the materials available on records carefully.

<https://hcservices.ecourts.gov.in/hcservices/>



8. So far as the personal accident claim is concerned, it could be seen that the claimants have paid a total premium of Rs.1,413/- and at the time of accident, there is a valid insurance policy. Eventhough the Tribunal has held that no additional premium has been paid, considering the above circumstances, this Court is of the view that the first petitioner is entitled for a sum of Rs.1,00,000/- (Rupees One Lakh) in total along with interest at the rate of 7.5% from today till the date of payment and the first petitioner/wife of the deceased, namely, Devi, is only entitled to get the same sum.

9. In the result, this Civil Miscellaneous Appeal is partly allowed and the respondent/ Insurance compensation is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) together with interest at together with interest at the rate of 7.5% per annum from the date of judgment and decree, i.e., 10.12.2020 till the date of deposit. The 2nd respondent/Insurance Company is directed to deposit the said sum within a period of eight weeks from the date of receipt of a copy of this judgment. On such deposit, the first appellant/wife of the deceased, namely Devi, is permitted to withdraw the same. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrp

To
The Motor Accidents Claims Tribunal,
District Court, Karaikal.

Copy to:
The Section Officer,
V.R.Section, High Court, Madras-104.

+1cc to Mr.S.Arun Kumar, Advocate, S.R.No.40161
+1cc to Mr.T.Sai Krishnan, Advocate, S.R.No.40826

C.M.A.No.3528 of 2019

RGN(CO)
CB(09/11/2021)