

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED.30.09.2020

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.No.1888 of 2014 &
M.P.Nos.1 & 2 of 2014

The Divisional Manager,
M/s.National Insurance Co, Ltd.,
Officer's Line Opp, Lakshmi Theatre,
Vellore, Vellore District. Appellant/22nd Respondent

vs.

1.Uma
2.Nalini
3.Vani
4.Srinivasan (Minor)
5.Mani (Minor)
6.Neelavathi (Minor) ...Respondents 1 to 6/Claimants 1 to 6
(respondents 4 to 6 minors
rep. by Sister & next friend
1st respondent)
7.Anand7th Respondent/1st Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and decree in MCOP.No.260 of 2008 dated 10.10.2012 on the file of the Motor Accident Claims Tribunal, Additional District and Sessions Court No.3, Vellore at Tirupattur.

For Appellant : Mr.E.Rajadurai, for
Mr.N.Vijayaraghavan

For Respondents : Mr.V.Parivallal for R1 to R6
Mr.A.V.Suresh for R7

JUDGMENT

[This Appeal has been taken up for hearing through Video Conferencing]

This Appeal has been filed by the insurance company challenging the impugned award dated 10.10.2012 passed by the Motor Accident Claims Tribunal (Additional District and Sessions Court No.3, Vellore at Tirupattur) in MCOP.No.260 of 2008.

2. The Motor Accident Claims Tribunal under the impugned Award directed the Appellant Transport Corporation to pay the respondents 1 to 6 / claimants 1 to 6 a compensation of Rs.7,23,000/- together with interest and costs for the death of Nagaraj as a result of an accident on 24.01.2005 caused by a vehicle owned by the seventh respondent and insured with the Appellant.

3. The details of the compensation awarded by the Tribunal under the impugned award are as follows:

Heads	Award Amount (Rs.)
Loss of income	6,48,000/- (4500 - 1/5 = 3600 x 12 = 43200 x 15)
Loss of love and affection	60,000/-
Funeral expenses	10,000/-
Transportation	5,000/-
Total	7,23,000/-

4. Heard Mr.E.Rajadurai, learned counsel representing Mr.N.Vijayaraghavan, learned counsel for the Appellant, Mr.V.Parivallan learned counsel for the respondents 1 to 6 and Mr.A.V.Suresh, learned counsel for the respondent 7.

5. The Appellant has challenged the impugned award only on the ground that the vehicle being a mini van bearing registration No.TN23-B-8442 owned by the seventh respondent and insured with the Appellant was not involved in the accident and the claim is a bogus claim. According to them, they had lodged a complaint with the CBCID, Vellore against the claimants for claiming road accident insurance claim by producing forged documents.

6. In this appeal, the Appellant has not challenged the quantum of compensation awarded by the Tribunal. The learned counsel for the Appellant has fairly brought to the notice of this Court the report dated 24.02.2020 filed by the Inspector of Police, Crime Branch CID, Vellore. In the report submitted by the Inspector of Police, Crime Branch CID, Vellore, he has stated that the complaint lodged by the Appellant insurance company regarding the alleged bogus claim made by the claimants who are the respondents 1 to 6 in this Appeal was registered as Crime No.1 of 2010 under Section 467, 468, 471 and 420 of IPC and on investigation was closed as a mistake of fact on 25.08.2018 and the final report to that effect has also been submitted before the learned Judicial Magistrate - III, Vellore. In the above referred report of the Inspector of Police, Crime Branch CID, Vellore, it has been confirmed that the vehicle bearing registration No. TN23-B-8442 owned by the seventh respondent and insured with the Appellant was involved in the accident on 24.01.2005 which resulted in the death of Nagaraj. In view of the same, the only contention raised by the Appellant Insurance company in this Appeal as indicated earlier in this Judgment will have to necessarily fail.

Conclusion:

7. For the foregoing reasons, there is no merit in this Appeal. Accordingly, this Appeal is dismissed. However, the rate of interest fixed by the Tribunal at 7.5% per annum is confirmed. The Appellant Insurance company is directed to deposit the amount awarded by the Tribunal along with interest from the date of claim till the date of deposit, and costs, after deducting the amount already deposited if any to the credit of MCOP.No.260 of 2008 within a period of four weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the Tribunal is directed to transfer the respective shares of the award amount along with accrued interest lying to the credit of MCOP.No.260 of 2008 to the bank account of the respondents 1 to 3 /claimants 1 to 3 through RTGS as per the ratio apportioned by the Tribunal within a period of two weeks thereafter. Since the respondents 4 to 6 are minors, their respective shares of the award amount shall be deposited in interest bearing fixed deposit in any one of the Nationalised Banks till they attain majority. The sister of the minors who is the first respondent herein is permitted to withdraw the interest alone once in six months till the minors attain the age of majority for the welfare of the minors. If the minors attain the age of majority, it is open for them to file a formal petition before the Tribunal to declare them as major. No costs.

Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1.The Motor Accident Claims Tribunal,
Additional District and Sessions Court,
No.3, Vellore of Tirupattur.

Copy To:

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

+1cc to Mr.V.Parivallal, Advocate SR.No.32171

C.M.A.No.1888 of 2014

VBA (CO)
GMY (09/04/2021)



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