



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2020

C O R A M

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

C.M.A.No.1978 of 2014

Manonmani

..Appellant/Petitioner

Versus

1.Jeevarathinam S/o. Chinnasamy

2.Divisional Manager,

The New India Assurance Co. Ltd.,

No.48, Big Street, Tiruvannamalai.

(The 1st respondent was set ex-parte before the
Tribunal)

..Respondents/Respondents

Prayer: Civil Miscellaneous Appeal filed against the order and decree dated 30.01.2013 made in M.A.C.T.O.P.No.219 of 2010 on the file of the Motor Accident Claims Tribunal and District Judge, Tiruvannamalai.

For Appellant : Mrs. Subadra

For 2nd Respondent : Mr.J. Chandran

R1 - Exparte

J U D G M E N T

This appeal has been filed by the appellant against the Judgment and order in M.A.C.T.O.P. No.219 of 2010 dated 30.01.2013 on the file of the Motor Accident Claims Tribunal and District Judge, Tiruvannamalai whereby the claim petition by the Claimant/the appellant herein was dismissed by the Tribunal.

2. The appellant has filed the aforesaid claim petition before the Tribunal seeking for compensation of Rs.10,00,000/- (Rupees Ten Lakhs Only) due to the death of her son after sustaining fatal injuries in the road accident. The Tribunal has dismissed the claim petition in the absence of any medical evidence and on the ground of the deposition made by the P.W.3/Dr. Ravindran before the Tribunal.



4. It is admitted fact that the accident has occurred due to rash and negligent driving of the 1st respondent's Tata Indica Car Driver.

6. It is also stated that the appellant is widow and mother of the deceased who was an agriculturist Coolie and unmarried and drawing a monthly income of Rs.7,000/- pm. However, the proof of the income is not provided by the appellant.

SL. No.	Particulars	Amount (in Rs.)
1	Loss of dependency	150,000.00
2	Love and affection	15000.00
3	Funeral Expenses	10000.00
4	Pain, shock and Sufferings	20,000.00
5	Attender Charges	10,000.00
6	Medical Expenses in the absence of medical bills except two bills.	5,000.00
Total		2,10,000.00
1 Amount		0

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9. On such deposit, the appellant is permitted to withdraw the award amount without filing any formal petition.

10. In the result, the appeal is partly allowed. Accordingly, the impugned award passed by the Tribunal is set aside hereby. There shall be no order as to costs.

s/d-
Assistant Registrar(CS-IX)

True Copy

Sub-Assistant Registrar

lbm

To

1.Motor Accident Claims Tribunal and District Judge,
Tiruvanamalai.

2.The Section Officer,
V.R.Section, High Court, Madras.

+1 CC to M/s.M. Malar, Advocate sr 13788

+1 CC to Mr.J. Chandran, Advocate sr 13842.

C.M.A.No.1978 of 2014

KJ(CO)
SP(31/08/2021)