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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

C.M.A.No.2575 of 2021
and

C.M.P.No.14744 of 2021

Reliance General Insurance Company Limited,
T.P.Cell, No.6, Reliance House,
Haddows Road, Nungambakkam,
Chennai - 600 006.

... Appellant/2nd Respondent

Vs.

1.Salsa
2.Minor Jothiga
3.Minor Rathiga
4.Nagammal

...Respondents 1 to 4/Petitioners

Sagadevan (died)

(Minors 2 and 3 represented by Mother &
next friend, 1st respondent)

5.D.Prathap

...5th Respondent/1st Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act 1988 against the Judgment and Decree made in MCOP No.4576 of 2017 dated 04.02.2021, on the file of the Motor Accidents Claims Tribunal, Special Subordinate Court No.2, Court of Small Causes, Chennai.

For Appellant: Mr.M.B.Raghavan

JUDGMENT

[Judgment of the Court was delivered by V.SIVAGNANAM, J.]

This appeal arises out of the order passed by the Motor Accident Claims Tribunal, Special Subordinate Court No.II, Court



of Small Causes, Chennai in MCOP No.4576 of 2017 dated 04.02.2021.

2.This is the case of the fatal accident. The case of the claimants is that on 29.06.2017 at 13.30 hours, the deceased Moorthy was riding a motorcycle bearing Reg.No.TN-19-AA-6904 from Kattur to Thirukazhukundram. At that time, a motorcycle bearing Reg. No.TN-19-AC-2803 ridden by its rider in a rash and negligent manner, dashed against the deceased. In the accident, the deceased sustained fatal injuries and died. The claimants are legal heirs of the deceased. Alleging that the accident had taken place due to the rash and negligent riding of the rider of the motorcycle bearing Reg.No.TN-19-AC-2803, the claimants laid a petition, claiming compensation of Rs.50,00,000/-.

3.Resisting the claim, the appellant Insurance Company filed their counter disputing the manner of accident, age, avocation and income of the deceased and its liability to pay the compensation. It was also contended that the claim is excessive.

4.To substantiate the case, on the side of the claimants, P.Ws.1 to 3 were examined and Exs.P.1 to Ex.P.13 were marked. On the side of the appellant/Insurance Company, no witness was examined and no documents were marked.

5.The Tribunal, after considering the oral and documentary evidence held that the rider of the motorcycle bearing Reg.No.TN-19-AC-2803 was responsible for the accident and awarded compensation of Rs.21,74,500/- to the claimants. Assailing the award, the appellant Insurance Company has filed the present appeal.

6.Heard Mr.B.Raghavan, learned counsel appearing for the appellant Insurance Company and perused the materials available on record.

7.This appeal has been filed only challenging the quantum, hence, the other issues need not be dealt with herein.

8.Though the learned counsel appearing for the appellant/Insurance company has contended that the award is on the higher side by wrongly fixing excessive monthly income of Rs.10,500/- and it requires reduction, perusal of the records reveal that the Tribunal, taking note of the evidence of P.W.1, who deposed that the deceased was doing carpenter work during the time of accident, has fixed the monthly income as Rs.10,500/-. Further, considering the age of the deceased, the



Tribunal has awarded a just and reasonable compensation. We find no reason to interfere with the conclusion reached by the Tribunal. This appeal has no merit. Hence, this appeal is liable to be dismissed.

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9. In such view of the matter, this Civil Miscellaneous Appeal is dismissed as devoid of merits. The appellant/Insurance Company is directed to deposit the entire award amount with accrued interest and costs, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this order. On such deposit, the major claimants are permitted to withdraw the award amount as apportioned by the Tribunal, less the amount already withdrawn, if any, together with proportionate interest and costs. Further, the Tribunal is directed to deposit the share of the minor claimants in any one of the nationalised banks, as fixed deposit under the Cumulative Deposit Scheme, till the minors attain the age of major and hand over the fixed deposit certificate to the mother of the minor claimants. No costs. Consequently, connected miscellaneous petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

skn
To

The Motor Accidents Claims Tribunal,
Special Subordinate Court No.2,
Court of Small Causes, Chennai.

C.M.A.No.2575 of 2021

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