



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.3214 of 2019

and

C.M.P.No.18332 of 2019

M/s.Bharti AXA General Insurance Co, Ltd,
Having issuing office at 1st floor,
Ferns Icon, Survey No.28,
Doddenekkundi Village, Off Outer Ring Road,
Bangalore, Karnataka State - 560 037.
Having Branch Office at
Divya Trade Centre, 1st Floor,
No.11, Brindhavan Road, Fair Lands,
Salem - 636 016.

... Appellant

Vs.

1.Radha
2.Chittammal
3.C.Kalaiyarasi

... Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the fair and decreetal order dated 10.01.2019 made in M.C.O.P.No.2508 of 2016, on the file of the Motor Accidents Claims Tribunal, Special District Court, Salem.

For Appellant : Mr.S.Arunkumar

For Respondents : No appearance

JUDGMENT

The Insurance Company is the appellant in this appeal and is aggrieved by the quantum of compensation awarded by the claimants who are the aged mother of the wife of the deceased. The deceased was aged about 54 years and was said to be an Ex-service Man and was working as a Agriculturist and had claimed a monthly Income at Rs.25,000/- per month. The Tribunal after consisting the evidence on record as considered a Notional



Income of Rs.16,000/- to arrive at the compensation and has deducted 15% towards Contributory Negligence.

2. Though notice has been served on the claimants and their name is printed in the cause list and there is no representation on behalf of the respondents. Hence, this appeal is taken up for final disposal.

3. Heard the learned counsel for the appellant perused the impugned judgment and decree and the deposition recorded before the Tribunal.

4. I am of the view, the Tribunal has come to a fair conclusion to award a just compensation for a sum of Rs.11,70,590/- after deducting 15% towards contributory negligence. Thus, the impugned award passed by the Tribunal is confirmed and the appeal filed by the Appellant/Insurance Company is dismissed.

5. The appellant/Insurance Company is directed to deposit the compensation awarded by the Tribunal, together with interest at 7.5% per annum from the date of the claim petition till the date of such deposit, less any amount already deposited by it, within a period of six weeks from the date of receipt of the copy of this Judgment.

6. On such deposit, the 1st respondent/claimant is entitled to withdraw her amount together with interest as directed by the Tribunal, by filing suitable application before Tribunal.

7. This Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

1. The Motor Accidents Claims Tribunal,
Special District Court, Salem.

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

+1CC to Mr.S.Arunkumar, Advocate, Sr.No.24067

C.M.A.No.3214 of 2019

SSV (CO)
K.RK. (16.11.2021)