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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2021

CORAM:

THE HON'BLE Mr. JUSTICE D.KRISHNAKUMAR

CMA No.146 of 2014

1.P.Selvam
2.Indira

... Appellants/Petitioners

..VS..

1.I.Rajan
2.C.Thangavel
3.The Branch Manager
Oriental Insurance Company Ltd.,
Branch Office
No.25-C, Arunagiri Complex
3rd Floor, Bypass Road
Hosur-635 109.

... Respondents/Respondents

Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 19.06.2012 made in M.C.O.P.No.71 of 2010, on the file of the Motor Accidents Claims Tribunal, Additional District Judge, Krishnagiri.

For Appellants : Mr.K.Prasanna
For Mr.M.Sriram

For Respondents : Mr.D.Bhaskaran for R3

J U D G M E N T

Not satisfied with the quantum of compensation awarded by the Tribunal, the claimants are before this court for enhancement of compensation.

2. The appellants/claimants have filed a claim petition before the Tribunal seeking compensation of Rs.7,00,000/- for the



death of their daughter in a road accident that took place on 24.10.2008. After analysing the evidence on record, the Tribunal has awarded a sum of Rs.3,75,000/- as compensation along with interest at the rate of 6% per annum. Dissatisfied with the quantum of compensation awarded by the Tribunal, the claimants have preferred the instant appeal.

3. Heard the learned counsel for the appellants/claimants and the learned counsel for the third respondent/insurance company and also perused the records.

4. The learned counsel for the appellants/claimants would submit that as per the recent judgment of the Hon'ble Supreme Court in the case of R.K.Malik reported in 2009 1 SCC 593, the appellants/claimants are entitled for higher compensation. The learned counsel for the third respondent/insurance company, on instructions submitted that the principal of the insurance company is ready to settle a lumpsum amount of Rs.5,00,000/- under the pecuniary heads and also brought to the notice of this Court that the deceased was aged about 16 years at the time of the accident and the accident was occurred in the year 2008. Without going to other aspects, the third respondent/insurance company has come forward to settle a lumpsum amount to the claimants. The appellants/claimants have also agreed for the proposal submitted by the insurance company to pay a sum of Rs.5,00,000/- along with interest at the rate of 7.5% per annum. The third respondent/insurance company has also agreed for the interest at the rate of 7.5% per annum for the enhanced amount.

5. In view of the aforesaid submissions and oral agreement entered between the parties, this Court directed the third respondent/insurance company to deposit the lumpsum amount of Rs.5,00,000/-, less the amount if already deposited, within a period of six weeks from the date of receipt of a copy of this judgment. As far as the rate of interest is concerned, the appellants/claimants are entitled to interest at the rate of 6% per annum for a sum of Rs.3,75,000/- and at 7.5% per annum for a sum of Rs.1,25,000/-. On such deposit being made by the insurance company, the appellants/claimants are entitled to withdraw the same as per the apportionment fixed by the Tribunal, by filing necessary applications before the Tribunal.



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6. Recording the submissions made by the learned counsel on either side, this Civil Miscellaneous Appeal is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Motor Accidents Claims Tribunal,
Additional District Judge,
Krishnagiri.

2. The Section Officer,
VR Section,
High Court, Madras.

+1cc to Mr.Mukund R.Pandiyan, Advocate, S.R.No.21169

CMA.No.146 of 2014

SJ(CO)

SB(21/10/2021)