



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.NO.3175 OF 2014

AND

M.P.NO.1 OF 2014

United India Insurance Company Limited,
Divisional Office,
P.P.K.Building, Main Road,
Marthandam, Kanniyakumari District.

.. Appellant/4th Respondent

Vs.

1. Selvaraj

... 1st Respondent/Petitioner

2. S.Senthilkumar

... 2nd Respondent/1st Respondent

3. E.Kanakaraj

... 3rd Respondent/2nd Respondent

4. New India Assurance Company Ltd.,
Coimbatore.

... 4th Respondent/3rd Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1989 seeking to set aside the award and decree dated 30.08.2013 made in M.C.O.P.No.100 of 2005 on the file of Motor Accident Claims Tribunal, Subordinate Court, Pollachi.

For Appellant : Mr.D.Bhaskaran

For Respondent 1 : Mr.Sairam
for Mr.L.Mouli



J U D G M E N T

(The case has been heard through video conference)

WEB COPY This appeal has been filed by the Insurance Company challenging the award dated 30.08.2013, passed by the Motor Accidents Claims Tribunal, Subordinate Court, Pollachi in M.C.O.P.No.100 of 2005.

2. The appellant insurance company has challenged the impugned award questioning its liability to pay the compensation awarded by the Tribunal.

3. Heard Mr.D.Bhaskaran, learned counsel appearing for the appellant insurance company and Mr.Sairam, learned counsel appearing for the first respondent/claimant.

4. The Tribunal under the impugned award directed the appellant insurance company to pay the first respondent/claimant compensation of Rs.5,70,000/- as detailed hereunder:

Sl. No.	Heads	Amount in Rs.
1.	Loss of dependency	5,40,000
2.	Loss of love and affection	10,000
3.	Funeral expenses	10,000
4.	Transport expenses	10,000
	Total	5,70,000

5. The appellant insurance company has challenged the impugned award on the ground that the Tribunal has erroneously fixed the income of the deceased at Rs.4,500/- p.m. despite the fact that the deceased boy was aged only 15 years. Even though the grounds raised by the appellant insurance company may require consideration but considering the fact that the overall compensation awarded by the Tribunal is only Rs.5,70,000/- to the first respondent / claimant, the same cannot be considered to be excessive. This Court is not going into the question as to whether the assessment of monthly income of the deceased aged 15 years at Rs.4,500/- p.m. is correct or not.



6. For the foregoing reasons, there is no merit in the appeal and accordingly this appeal is dismissed. The appellant insurance company is directed to deposit the award amount along with interest and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this judgment to the credit of M.C.O.P.No.100 of 2005, on the file of the Motor Accident Claims Tribunal, Subordinate Court, Pollachi. On such deposit of the compensation amount, the first respondent/claimant is permitted to withdraw the award amount along with interest and costs, less the amount, if any, already withdrawn by making necessary applications before the Tribunal. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS-VI)

// True Copy //

Sub Assistant Registrar

kk

To

1. The Subordinate Judge,
Motor Accident Claims Tribunal,
Pollachi.

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

+1cc to Mr.C.Ramesh Babu, Counsel for the 4th Respondent,
S.R.No.51205

+1cc to M/s.L.Mouli, Counsel for the First Respondent,
S.R.No.51179

C.M.A.No.3175 of 2014
and M.P.No.1 of 2014

KJ(CO)
RLP(09/11/2021)