



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2021

CORAM:

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

C.M.A.(MD)No.222 of 2013
and MP.(MD)No.1 of 2013

The Branch Manager
The Oriental Insurance Company Limited,
Theni ... Appellant/2nd Respondent

Vs.

1.Chinnammal
2.M.Vairamuthu
3.M.Anbumani ... 1st to 3rd Respondent/
1st to 3rd Petitioners
4.T.Maheswari ... 4th Respondent/1st Respondent

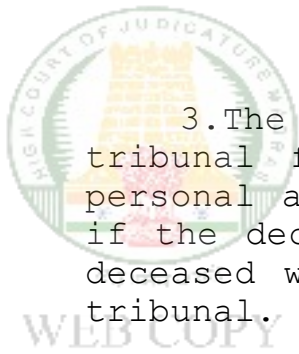
PRAYER: This Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the award of Rs.3,27,000/- passed in MCOP.No.405 of 2002 dated 29.10.2011 on the file of the Motor Accidents Claims Tribunal cum Sub Judge, Palani.

For appellant : Mr.K.Bhaskaran
For R1 : Mr.S.Sathish Kumar
For R2 to R4 : No Appearance

JUDGMENT

This Civil Miscellaneous Appeal has been filed against the order passed in MCOP.No.405 of 2002 dated 29.10.2011 on the file of the Motor Accidents Claims Tribunal cum Sub Judge, Palani.

2.Brief facts of the case is that on 22.06.2002 while the deceased went near by the road, the lorry belongs to the fourth respondent driven by its driver in a rash and negligent manner and dashed against the deceased. Due to the said accident, the deceased died on the spot. Thereafter, the respondents 1 to 3 filed a claim petition in MCOP.No.405 of 2002 before the Motor Accidents Claims Tribunal cum Sub Judge, Palani and the Tribunal awarded a sum of Rs. 3,27,000/- as compensation. Aggrieved over the same, the appellant / Insurance Company filed the present appeal.



3.The learned counsel for the appellant would submit that the tribunal failed to not that the practice of deducting towards personal and living expenses of the deceased, 1/3rd of the income if the deceased was married, and one half of the income of the deceased was a bachelor. This aspect was not considered by the tribunal. Therefore, he would pray for allowing of this appeal.

4.The learned counsel appearing for the first respondent would submit that after considering the materials available, the tribunal passed the award and there is no infirmity. Hence, he would pray for dismissal of this appeal.

5.Heard the learned counsel for the appellant and the learned counsel for the first respondents and perused the materials available on record.

6.Perusal of record shows that due to the accident caused by the driver of the fourth respondent, the deceased was died. After perusal of records and considering the facts and circumstances of the case, the tribunal rightly fixed the compensation where I do not find any infirmity and the interference of this Court does not warranted.

7.In the result, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

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/ /2021

Sub Assistant Registrar(CS)

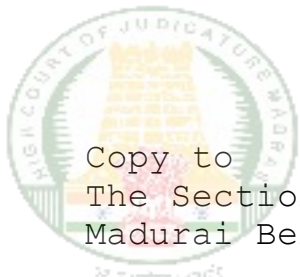
gns

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Subordinate Judge,
Motor Accidents Claims Tribunal cum Sub Court,
Palani, Dindigul.

<https://hcservices.ecourts.gov.in/hcservices/>



Copy to
The Section Officer, VR Section-2 copies
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.K.BHASKARAN, Advocate (SR-5065[F] dated 15/02/2021)

C.M.A. (MD) No.222 of 2013
12.02.2021

KM(25.05.2021) 3P 5C