

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 23.02.2021****CORAM:****THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI**CMA (MD) Nos.540 to 542 of 2015andMP (MD) Nos.1,1 and 1 of 2015

The United India Insurance Co. Ltd.,
Rep. by its Divisional Manager,
Office at 7, United Towers,
Baseerpak, Hyderabad.

: Appellant/2nd Respondent
(in all CMAs)

Vs.

1.Guhan Veliyappa

: R1/Petitioner
(in all CMAs)

2.M/s.Prasath & Company Limited,
(Project Works),
Having office at HN, 6-1-125-B,
Ammainayakkallur,
Near R.K.N Company, (Sales Pran)
Kodai Road, Nilakottai Taluk,
Dindigul District.

: R2/2nd Respondent
(in all CMAs)

PRAYER: Civil Miscellaneous Appeals have been filed under Section 173 of Motor Vehicles Act, against the award, dated 19.03.2013 made in MCOP Nos.170 to 172 of 2010 on the file of Motor Accident Claims Tribunal (1st Additional District Court), Tirunelveli, respectively.

For Appellant : Mr.G.Prabhu Rajadurai

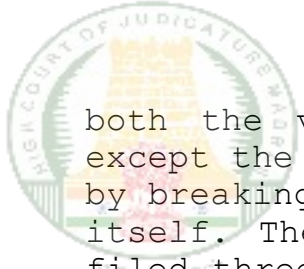
For 1st Respondent : Mr.R.Ramasamy

For 2nd Respondent : No appearance

COMMON JUDGMENT

Challenge made in these appeals is to the award, dated 19.03.2013 made in MCOP Nos.170 to 172 of 2010 on the file of Motor Accident Claims Tribunal (I Additional District Court), Tirunelveli.

2.The brief facts of the case are that on 25.11.2009 at about 19.30 hours, the deceased Rampandian along with his wife Shanmugavalli and his son Sai Madan were travelling in Maruthi Sen Car TN-02-AG-4784, after attending a marriage at Tirunelveli. When they were proceeding at Jillipatti Diversion on Dindigul-Madurai Main road, the Lorry TN-57-W-9622 dashed against the Car. Due to it,



both the vehicles got fire and the inmates of the Maruthi Car, except the driver of the Car, who was taken out by the nearby people by breaking the glass of the Car, were burnt to death inside thereof itself. The claimant, the only legal heir of the deceased persons filed three separate claim petitions in MCOP Nos.170 to 172 of 2010 seeking compensation of Rs.60,00,000/-, 75,00,000/- and 10,00,000/- respectively on the ground that the driver of the offending Lorry was responsible for the accident.

3.The claim was opposed by the Appellant Insurance Company disputing the manner of accident and their liability to pay compensation.

4.The Tribunal, upon consideration of oral and documentary evidence, came to the conclusion that the driver of the Lorry was responsible for the accident and awarded compensation of Rs.35,71,300/- in respect of MCOP No.170 of 2010, Rs.54,43,600/- in respect of MCOP No.171 of 2010 and Rs.6,40,000/- in respect of MCOP No.172 of 2010 together with interest @ 7.5% p.a.

5.The learned counsel for the appellant Insurance Company mainly argued that the tribunal erred in awarding higher quantum of compensation to the claimant and failed to award a fair compensation and the tribunal has not adopted the correct multiplier and the award of the tribunal under the conventional heads are also on the higher side, hence, the award of the tribunal has to be reduced.

6.On the other hand, the learned counsel for the 1st respondent submitted that all the three cases are settled before the Lok Adalat held at Tirunelveli on 28.10.2014 itself in the EP proceedings filed against MCOP Cases and the claimant in all the case was permitted to withdraw the settled amount.

7.It is seen from the records that all the cases in respect of MCOP Nos.170 to 172 of 2010 were settled before the Lok Adalath held at Tirunelveli, on 28.10.2014 itself and the claimant in all the cases was permitted to withdraw the settled amount.

8.Recording the above fact, these civil Miscellaneous Appeals are closed. No costs. Consequently, connected Mps are closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



To

1.The Motor Accident Claims Tribunal/
I Additional District Court, Tirunelveli.

2.The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai. (2C)

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-6885[F] dated
24/02/2021)

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23.02.2021

KK(19.05.2021) 3P 5C