



C.M.A.No.2306 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2022

C O R A M

THE HONOURABLE Ms.JUSTICE P.T.ASHA

C.M.A.No.2306 of 2017

Goribee (died)

1. Shameem
2. Haseena
3. K. Hussain Basha

.. Appellants

-Vs.-

1. B. Shanmugam
2. Reliance General Insurance Company Limited,
“Heavitree”, Unit No.1, 3rd Floor,
No.23, Spur Tank Road, Chetpet,
Chennai 600 031.
3. Parasamal Bothra

...Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the decree and judgment dated 20.07.2016 made in M.C.O.P.No.2733 of 2009 on the file of the Motor Accident Claims Tribunal, (Special Sub Court No.1), Chennai.

For Appellant : Mr.K. Varadha Kamaraj
For Respondent-1 : Mr.S.Udayakumar
For Respondent-2 : Mr.S.Arun Kumar
For Respondent-3 : Served – No Appearance



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JUDGMENT

The petitioners have filed this appeal seeking enhancement of the Award granted by the Motor Accident Claims Tribunal (Special Sub Court No.1), Chennai in M.C.O.P.No.2733 of 2009.

2. The petitioners are the daughters, daughter-in-law and grand son of one Kulsumbi, a 70 year old lady, who is said to have died in a road traffic accident. The first petitioner, Goribee had died pending the claim petition before the Tribunal. The petitioners had sought for a compensation of a sum of Rs.8,00,000/-.

3. The Tribunal below had arrived at a compensation of a sum of Rs.2,00,000/- and the same is questioned before this Court as being inadequate.

4. Heard the learned counsel for the appellants and the learned counsel appearing on behalf of the respondents 1 and 2 and perused the materials available on record.



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5. The deceased is aged about 70 years and further, the appellants/petitioners are not dependent on the deceased. The appellants 3 and 4 are the wife and the son of the deceased Kulsumbi' son, Khader Basha and therefore, they are not dependents of the deceased. The Insurance Company has not challenged the Award. The Tribunal, by adopting a notional income of Rs.3,500/- per month and a multiplier of 5 has granted a compensation of a sum of Rs.1,40,000/- under the head of loss of income. The Award appears to be very reasonable and I see no reason to enhance the same. Accordingly, this Civil Miscellaneous Appeal is dismissed. No costs.

10.10.2022

srn

To

1. The Motor Accident Claims Tribunal, (Special Sub Court No.1),
Chennai.
2. The Section Officer,
V.R.Section, High Court, Madras.

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P.T.ASHA, J.,

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