



C.M.A.No.1972 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 15.11.2022

CORAM:

THE HONOURABLE Ms. JUSTICE P.T.ASHA

C.M.A.No.1972 of 2022

and

C.M.P.No.15047 of 2022

1.The Manager,
United India Insurance Co. Ltd.,
Sulur.

2.The Branch Manager,
United India Insurance Co. Ltd.,
Perundurai.

... Appellants

vs.

1.Samiyaththal
2.Kumar @ Sadasivam
3.Kodeeswaran
4.Ramasamy
5.S.Philipraj
6.K.Shankar

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the Judgment and Decree dated 30.04.2013 made in M.C.O.P.No.167 of 2011 on the file of the Motor



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Accident Claims Tribunal (Sub-Court), Perundurai.

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For Appellants : Mrs.I.Malar

For Respondents : Mr.S.Kaithamalai Kumaran [R1 to R3]

JUDGMENT

The Insurance Company has challenged the award passed by the Motor Accident Claims Tribunal, (Sub-Court), Perundurai in M.C.O.P.No.167 of 2011 on the ground of quantum.

2. The respondents 3 and 4 are the appellants herein and the parties are referred to in the same ranking as before the Tribunal.

3. The petitioners had filed the above claim petition seeking compensation for the death of one Subramani @ Subramaniam in a road accident on 09.07.2011 at about 6.30 p.m., when the said Subramaniam was driving his TVS 50 moped bearing Reg.No.TN-33-E-2793 along Perundurai to Coimbatore NH – 47. At that time the van bearing Reg.No.TN-39-M-5665 proceeding on the same direction hit



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the TVS 50, from behind as a result of which, the said Subramaniam who was travelling had fallen down and sustained critical head injury to which he had succumbed to. The claimants would submit that the accident had occurred only on account of the negligence on the part of the 1st respondent, driver of the van.

4. The 3rd respondent had filed a counter denying the various allegations contained in the claim statement and submitted that the accident had occurred only on account of the negligence on the part of the deceased Subramaniam. They had also pleaded collusion between the respondents 1 and 2.

5. On 30.04.2013, the Tribunal was pleased to hold that the accident had occurred only due to rash and negligent driving of the 1st respondent. Ultimately, a sum of Rs.5,33,000/- has been awarded as compensation to the claimants.



6. Heard the learned counsel on either side and perused the materials on record.

7. A perusal of the award clearly shows that the Tribunal has passed a balanced and reasoned award. The notional income is fixed at Rs.4,500/- and deducting 1/3rd from the same, the Tribunal had arrived the income of the deceased at Rs.3,000/- p.m and taking into account the age of the deceased as 48 years, the Tribunal had passed a sum of Rs.4,68,000/- under the head of loss of income and a sum of Rs.25,000/- alone was given towards loss of consortium and Rs.30,000/- alone was granted towards loss of love and affection and for Transportation and Funeral Expenses a sum of Rs.5,000/- each has been granted. Totally, a sum of Rs.5,33,000/- has been awarded by the Tribunal. The said award appears to be very reasonable and no ground is made out to set aside the same or to show that the said award is perverse.



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8. In the result, this Civil Miscellaneous Appeal is dismissed and the Judgment and Decree dated 30.04.2013 made in M.C.O.P.No.167 of 2011 on the file of the Motor Accident Claims Tribunal (Sub-Court), Perundurai is confirmed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Speaking / Non-speaking order
ssn

To

1. The Motor Accident Claims Tribunal,
Sub-Court,
Perundurai.
2. The Section Officer,
V.R.Section,
High Court of Madras,
Chennai.



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P.T.ASHA, J.,

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