



C.M.A.No.2920 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

C.M.A.No.2920 of 2022
and
C.M.P.No.22583 of 2022

M/s.Bharti AXA General Insurance Company Limited,
First Floor, Ferns Icon, Survey No.28,
Doddanakundi Village, K.R.Puram,
Hubli, Bangalore – 560 037.

... Appellant

vs.

1.Sivaranjani
2.Minor.Samuthra
3.Sakkaravel
(Minor represented by her next friend
Mother Sivaranjani)
4.V.S.Kannan

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award and decree dated 17.06.2019 made in M.C.O.P.No.265 of 2018 on the file of the Motor Accidents Claims Tribunal, Special District Judge, Dharampuri.

For Appellant : Mr.S.Arunkumar

For Respondents : Mr.M.Selvam
(1 to 3)



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JUDGMENT

This Civil Miscellaneous Appeal is filed against the award and decree dated 17.06.2019 made in M.C.O.P.No.265 of 2018 on the file of the Motor Accidents Claims Tribunal, Special District Judge, Dharampuri.

2.Heard the learned counsel for the appellant and the learned counsel for the respondents.

3. The respondents 1 to 3 have filed M.C.O.P.No.265 of 2018 claiming compensation for the death of the Kumar in the road transport accident on 31.12.2017.

4. It is the specific case of the claim petitioners that due to the rash and negligent driving of the driver of the offending vehicle, the accident has taken place and the deceased Kumar was observing the traffic rules while crossing the road and the said person was working as a painter and building mason at the time of the accident and his age was about 37 years.



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5. In the counter filed before the tribunal, the appellant/Insurance Company has taken a stand that initially, the F.I.R was registered against the driver of the car. Subsequently in the charge sheet, the police have filed under Ex.R2 final report stating that the matter was closed as a 'Mistake of Fact'. In this regard, the Insurance Company has examined the R.W.1 –Sub Inspector of Police, Thoppur Police Station.

6. The Tribunal upon considering the examination of P.W.2 Selvam and also taking note of Ex.R1, Rough Sketch and Ex.P1, F.I.R, has rightly come to the conclusion that the accident has taken place through the rash and negligence driving of the first respondent and it warrants no interference.

7. On the point of quantum of compensation, this Court finds that proper multiplier is adopted and the decision of the Hon'ble Supreme Court in National Insurance Company Limited Vs.Pranay Sethi and others, (S.L.P.(Civil) No.25590 of 2014, dated 31.10.2017) has been applied for awarding of future prospects and the same is upheld.



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8. Accordingly, the award passed by the tribunal does not warrant any interference and this Civil Miscellaneous Appeal stands dismissed. No costs. Consequently, connected C.M.P is closed.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation: Yes/No

To

1. The Motor Accidents Claims Tribunal, Special District Judge,
Dharampuri
2. The Section Officer,
V.R.Section,
High Court of Madras,
Chennai.



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RMT.TEEKAA RAMAN, J.,

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