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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKA RAMAN

C.M.A.No.314 of 2023

and

C.M.P.No.2564 of 2023

Reliance General Insurance Company Limited,
No.408, 3rd Floor, Perundurai Road,
Erode-638 011.

...Appellant

Vs.

1.K.Shanmugam
2.S.Vijaya

B.Vinoth (died)

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 20.02.2015 passed in M.C.O.P.No.128 of 2010 on the file of the Motor Accident Claims Tribunal (I Additional District Judge), Tiruppur.

For Appellant : Mr.K.Moorthy

For R1&R2 :Mr.Ma.P.Thangavel
For Mr.M.Lokesh

JUDGMENT

The Insurance Company is the appellant herein.



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2. In the appeal, the award is challenged by the Insurance Company on the ground of quantum of compensation.

3. The factum of the accident, the manner of the accident and rash and negligent driving on the part of the driver of the offending vehicle, are not disputed and hence, the finding rendered by the Tribunal is hereby confirmed.

4. On the point of quantum of compensation heard the learned counsel appearing on both sides.

5. Record reveals that the parents of the deceased Senthilkumar has filed M.C.O.P.No.128 of 2010. At the time of the accident, he was working as a Sicker Tailor and earned a sum of Rs.10,000/-. In this connection, P.W.3 Kumar Supervising attached to the office, P.W.2 Loganathan was examined and Ex.P5 is marked. At the time of the accident, he was aged 27 years. The Tribunal has fixed the notional income of Rs.5000/- for the person who died in the accident in the year 2009 cannot be earned excessive.



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6. As per the judgment of the Hon'ble Supreme Court in the case of *Sarla Verma & Others .Vs. Delhi Transport Corporation & another*, reported in *2009 (2) TNMAC 1 (SC)*, right multiplier is “13” and the same is adopted.

7. Taking the parent aged as 47, 50% was deducted and the other heads appear to be just and reasonable and hence, I find that the quantum of compensation awarded by the Tribunal in M.C.O.P.No.128 of 2010 is just and fair and it does not require any interference in this appellate stage. Accordingly, **this Civil Miscellaneous Appeal is dismissed** at the admission stage. Time for depositing the amount shall be paid within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected C.M.P is closed.

09.02.2023

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Index : Yes/No

Speaking/Non-speaking order

To

1.The Motor Accident Claims Tribunal /
I Additional District Judge, Tiruppur.



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2.The Section Officer,
V.R.Section, High Court, Madras.

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RMT.TEEKAA RAMAN,J.,

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