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CMA.No.482 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.03.2023

CORAM :

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Civil Miscellaneous Appeal No.482 of 2018

Reliance General Insurance Co.Ltd.,
Salem.

... Appellant/2nd respondent

-Vs-

1. S.Alagammai
2. S.P.Palaniappan
3. R.Raju

... Respondents

Prayer : Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 to set aside the decree and judgment passed in M.C.O.P.No.937 of 2013 dated 02.03.2017 on the file of the Motor Accident Claims Tribunal, Special District Judge, Salem.

For Appellant : Mr.S.Arun Kumar

For Respondents : No appearance

JUDGMENT

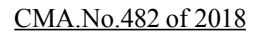
The appeal on hand is filed against the judgment and decree dated 02.03.2017 passed in MCOP No.937 of 2013, on the file of the Motor Accident Claims Tribunal, Special District Judge, Salem.



2. The Reliance General Insurance Company Limited is the appellant, who filed this appeal questioning the quantum of compensation.

3. On 21.01.2013 at about 3.30 p.m, the deceased S.P.Senthilnathan was riding his Bajaj bike bearing No.TN-63-R-8636 and his friend viz., R.Sureshkumar was a pillion and they were proceeding from Udayapatti to Seelanaickenpatti for official work. The driver of the 3rd respondent had driven the lorry bearing Registration No.KL-09-AB-9893 in a rash and negligent manner and dashed against the petitioner's bike and caused the accident. Due to the accident, the right side front wheel of the lorry ran over the head of the deceased and he died on the spot. Hence the first and second respondents, being the mother and brother of the deceased, filed a claim petition before the Tribunal for a sum of Rs.15,00,000/-.

4. Before the Tribunal, on behalf of the claimant, three witnesses were examined and 15 exhibits were marked. None were examined on the side of appellant insurance company nor were any exhibits marked.



compensation as follows:

Rs. 15,57,000/-

deposit of the award amount.

MAC 609 (SC), only 40% has to be awarded towards future prospects.

50%*12*16]. The compensation awarded under the other heads are



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hereby confirmed.

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8. In the light of the said discussions, the modified award is as follows:

<i>S.No.</i>	<i>Particulars</i>	<i>Award of Tribunal</i>	<i>Reduced amount</i>	
1.	Loss of Dependency	Rs. 15,12,000/-	14,11,200/-	Reduced
2.	Funeral Expenses	Rs. 25,000/-	Rs. 25,000/-	Confirmed
3.	Loss of Love and affection for first respondent	Rs. 10,000/-	Rs. 10,000/-	Confirmed
4.	Loss of Love and affection for second respondent	Rs. 10,000/-	Rs. 10,000/-	Confirmed
		Rs. 15,57,000/-	Rs. 14,56,200/-	

In the result, the Civil Miscellaneous Appeal is partly allowed. The compensation amount of Rs.15,57,000/- shall stand reduced to Rs.14,56,200/-. The first respondent/claimant is at liberty to withdraw the sum as found payable in keeping with the present order on due application. No costs.

24.03.2023

mp

To



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Motor Accident Claims Tribunal,
Special District Judge,
Salem.

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A.A.NAKKIRAN, J.

mp

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