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C.M.A.No.356 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MR. JUSTICE D.BHARATHACHAKRAVARTHY**

**C.M.A.No.356 of 2021
and
C.M.P.No.2395 of 2021**

M/s. United India Insurance Company Limited
Divisional Office,
No.82, Bank of Baroda Building,
State Bank Road,
Coimbatore Centre,
Coimbatore - 641 018

... Appellant

Vs.

1. Dhanabal
S/o Marudhachalam

2. Minor Ramya,
D/o Dhanabal
(Minor rep. by father and
Natural Guardian, Dhanabal)

3. A.Nagarajan,
S/o Arumugam

4. P.Selvaraj,
S/o Periyasamy

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor



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Vehicles Act, 1988 against the judgment and decree dated 17.10.2019 made in MCOP No.120 of 2018 on the file of the Motor Accidents Claims Tribunal, IV Additional District Court, Coimbatore.

For Appellant : Mr.N.Vijayaraghavan

For Respondents : No appearance

JUDGMENT

This Civil Miscellaneous Appeal is directed against the judgment and decree of the Motor Accident Claims Tribunal, Coimbatore, dated 17.10.2019 in M.C.O.P.No.120/2018.

2. The appeal is filed, aggrieved by the quantum of compensation granted by the Tribunal.

3. Mr.N.Vijayaragavan, learned counsel for the appellant would submit that even though only a sum of Rs.15,00,000/- is claimed as compensation, the Tribunal had awarded Rs.22,20,400/-. Therefore, he would submit that the award is excess and liable to be interfered with by this Court.

4. We have considered the said submissions and gone through the calculation as made by the Tribunal. The Tribunal had taken the income as Rs.12,000/- per month and had given 40% to future prospects and after deducting of 1/3rd for his personal expenses, arrived at the annual



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income as Rs.1,34,400/- and applied the multiplier as 16, the award has been made, by adding the funeral expenses, loss of estate and loss of consortium. We do not find the amount granted by the Tribunal in any of the heads as excess or exorbitant and it has been made strictly as per the law laid down by this Court and the Hon'ble Supreme Court of India.

5. In that view of the matter, it goes without saying that the Tribunal can award a fair compensation irrespective of the claim amount mentioned in the claim petition. Therefore, this Civil Miscellaneous Appeal fails and the same stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B,J.) (D.B.C, J.)
15.06.2023

Index : Yes / No
Internet : Yes
vsi

To

The Motor Accidents Claims Tribunal,
IV Additional District Court,
Coimbatore.



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J. NISHA BANU, J.
and
D.BHARATHA CHAKRAVARTHY, J.

vsi

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