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C.M.A.No.495 of 20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.M.A.No.495 of 2023

and

C.M.P.No.4336 of 2023

M/s.United India Insurance Co. Ltd.,
No.22-B, P.R.Sundaram Iyer Street,
Dharmapuri – 636701.

... Appellant

Vs.

1. Sridevi
2. Minor. S.Jeevitha
3. Minor. S.Atsaya
4. Minor. S.Lithish

5. The Correspondent Principal,
Sri Sankara Vidhyalaya Nursery and Primary School,
Solaikottai Post,
Dharmapuri Taluk and District – 636704.

...

Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 to set aside the decree and judgement passed in M.C.O.P.No.603 of 2019 dated 14.08.2021 on the file of the Motor Accident Claims Tribunal (Special District Court), Dharmapuri.

For Appellant : Mr. J.Chandran



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admitted as an in-patient. However, he died on the same day at about 11.00 a.m. for the injuries sustained in the accident.

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3. Resisting the claim petition, the appellant/second respondent/Insurance Company filed a counter and stated that only due to rash and negligent driving of the deceased, the accident took place and as such, the appellant/second respondent is not at all liable to pay any compensation as claimed by the claimants.

4. On the side of the claimants P.W.1 to P.W.4 were examined and Exs.P.1 to P.16 were marked. On the side the respondents before the Tribunal no one was examined and no exhibits were marked.

5. On a consideration of the oral and documentary evidence, the Tribunal has awarded a compensation at Rs.17,02,000- payable by the appellant/second respondent/Insurance Company. Aggrieved by the same, the appellant/second respondent preferred the present Civil Miscellaneous Appeal.



6. The deceased was aged about 37 years at the time of accident and he was earning a sum of Rs.35,000/- per month as a Tailor. Though the appellant had taken a stand that the deceased was tort-feasor and no one was examined, no documents were marked in order to substantiate the same.

7. On the other hand, the claimants, in order to prove their claim and marked as Ex.P.16, a copy of the identity card of the deceased, which reveals that he was a member of the Tamil Nadu Amaippu Sara Tholilalr Nala Variyam as Tailor. However, the Tribunal had taken a sum of Rs.8,000/- per month as notional income of the deceased and adopted multiplier method i.e multiplier “15”. After deducting $\frac{1}{4}$, the Tribunal has awarded a sum of Rs. 15,12,000/- as pecuniary loss. Tribunal has awarded the loss of spousal consortium at Rs.40,000/- and loss of parental consortium at Rs.1,20,000/- and loss of estate and funeral expenses at Rs.15,000/- each. Therefore, the Tribunal rightly awarded the sum of Rs.17,02,000/- and which is fair and just compensation. Hence, this Court finds no infirmity or illegality in the impugned award passed by the Tribunal.



8. Accordingly, this Civil Miscellaneous Appeal is dismissed.

Consequently, the connected Miscellaneous Petition is dismissed. No costs.

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01.03.2023

Speaking/Non-speaking order

Index : Yes/No

Neutral Citation: Yes/No

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To

1. The Motor Accident Claims Tribunal
(Special District Court), Dharmapuri.
2. The Section Officer,
V.R. Section, High Court of Madras.



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G.K.ILANTHIRAIYAN,J.

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