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C.M.A.No.841



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.04.2023

Coram:

THE HONOURABLE MRS.JUSTICE N.MALA

C.M.A.No.841 of 2023

and

CMP.No.7811 of 2023

M/s.Reliance General Insurance Company Limited,
Annamalai's No.108, Subalakshmi Nagar,
Covai Road, Karur,
Tamil Nadu-639 001.

...Appellant

Vs.

1.C.Arul
2.A.Steephan
3.R.Rajasekar

...Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 praying to set aside the Judgment and decree dated 28.02.2018 passed in M.C.O.P. No. 682 of 2013 on the file of MACT (Chief Judicial Magistrate Court), Coimbatore.

For Appellant : Mr. P. Suresh Srinivasan

For R-1 : Mr.S.Sharathchandran

For R-2 & R-3 : Ex-parte



JUDGMENT

This appeal is filed to set aside the Judgment and decree dated 28.02.2018 passed in M.C.O.P. 682 of 2013 on the file of MACT (Chief Judicial Magistrate Court), Coimbatore.

2. The Insurance company has filed the appeal challenging the quantum of compensation awarded by the Tribunal.

3. The brief facts leading to the appeal are that, on 30.11.2010 at about 7.00 p.m., when the first respondent was proceeding in his bi-cycle, a lorry bearing Regn.No. TN 30 M 1659 driven by the third respondent herein, in a rash and negligent manner hit the 1st respondents' bi-cycle from behind causing him grievous injuries. The 1st respondent filed claim petition seeking compensation of Rs.20,00,000/- before the Claims Tribunal.

4. Mr. S. Sharathchandran, learned counsel appears for the first respondent/claimant.

5. The learned counsel for the appellant/Insurance Company submits that the Tribunal erred in assessing the income of the deceased at Rs.8,000/- and therefore the award towards loss of income was on the higher side. The learned counsel further



submits that the award towards other heads is just, fair and reasonable and does not call for any interference by this Court.

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6. The claimant/first respondent was aged 29 years at the time of accident and he was working as a driver. It is seen that the claimant's left leg was amputated below knee and therefore I find no infirmity in the assessment of disability at 70%. It is not disputed that the claimant was working as driver and therefore the income assessed at Rs.8,000/- in my view is fair and reasonable, considering that the accident took place in the year 2010.

7. In my view the award of the Tribunal towards loss of income appears fair and reasonable and also the award towards other heads is also reasonable. I therefore find no reason to interfere with the award passed by the Claims Tribunal. Therefore the Judgment and Decree of the Tribunal is confirmed and the appeal is dismissed. Consequently connected Miscellaneous Petition is closed. No costs.

06.04.2023

dsn

Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



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C.M.A.No.84/



To

1.The Chief Judicial Magistrate,
Motor Accidents Claims Tribunal,
Coimbatore.

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



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C.M.A.No.841

N.MALA.J.,

dsn

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