



C.M.A.No.67 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

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1.Kumaresan
2.Karthikeyan
3.Saranya
4.Thangarasu

... Appellants

Vs.

1.Arun
2.The Reliance General Insurance Co.,Ltd.,
Sakthi Supermarket, 3rd Floor,
Perundurai Road, Erode – 638 011.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award amount in the order dated 23.08.2022 made in M.C.O.P.No.24 of 2019, on the file of the Motor Vehicle Accident Claims Tribunal /Subordinate Judge Court, Mettur.

For Appellant : Mr.C.Paraneedharan

JUDGMENT

The claimants are the appellants herein and seeking enhancement of compensation against the award in M.C.O.P.No.24 of



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2019, they have filed the present appeal.

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2. The factum of the accident, manner of the accident and rash and negligent driving on the part of the driver of the offending vehicle, insured with the respondent/Insurance company are not in dispute and accordingly the same are hereby confirmed.

3. After hearing the learned counsel for the appellants for sometime, I find that the deceased was said to be a power loom worker and not produced any documents. Accordingly, Rs.6,000/- per mensem was fixed as notional income and 1/3rd deduction was made towards personal expenses, and multiplier '13' was adopted by following Sarla Verma's case in AIR 2009 SC 3104 (Sarala Verma and others Vs.Delhi Transport Corporation) and further I also find that the award fixed by the Tribunal cannot be termed low and it is just and fair.

4. After perusing other heads of the compensation, for the medical expenses as per the Ex.P5 medical bills, Rs. 1,49,868/- was awarded. For pain and suffering and loss of love and affection, the compensation awarded by the Tribunal appears to be on the higher side. Hence, I find that it is not a fit case for admission and enhancement and in fact the award of Rs. 12,03,868/- by the Tribunal is on the higher side



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and hence I am not inclined to admit the CMA.

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5. Accordingly, this Civil Miscellaneous Appeal is dismissed.

No costs.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation: Yes/No

To

1. The Motor Vehicle Accident Claims Tribunal /Subordinate Judge Court,
Mettur.
2. The Section Officer,
V.R.Section,
High Court of Madras,
Chennai.



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RMT.TEEKAA RAMAN, J.,

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