



C.M.A.No.2326 of 2019

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2023

CORAM

**THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN**

**C.M.A.No.2326 of 2019**

**and**

**C.M.P.No.10562 of 2019**

Reliance General Ins. Co. Ltd.,  
No.6, Haddows Road, Nungambakkam,  
Chennai 600 006.

... Appellant

Vs.

1.Masthani  
W/o.Late Navab

2.Chanma  
W/o.Ansar

3.Kathar Basha  
S/o.Late Navab

4.Minor Vahieth Bhasha  
Rep. by Mother & N.F.N.Masthani  
All residing at No.1/258, Mungkilan Street  
J.J.Nagar, Theerthagiriyapattu, Vadakarai  
Chennai 52.

5.Hepsy Joshuva, W/o.Joshuva,  
No.33/83A, Elango Street,  
Sakthi Nagar, Koduvalli,  
Avadi, Chennai 55.

... Respondents



C.M.A.No.2326 of 2019

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**Prayer:** Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Decree and Judgment dated 23rd March 2018 passed in MCOP.No.98 of 2016, by the Motor Accident Claims Tribunal, III Additional District Judge, III Additional District Court, Tiruvallur at Poonamallee.

For Appellant : Ms.C.Bhuvanasundari

For Respondents : Mr.K.Varadha Kamaraj (for R1 to R4)

R5 - No appearance

### **J U D G M E N T**

The Appeal has been filed against the Decree and Judgment 23.03.2018 passed in MCOP.No.98 of 2016, by the Motor Accident Claims Tribunal, III Additional District Judge, III Additional District Court, Tiruvallur at Poonamallee.

2.The Insurance Company is the Appellant herein. Challenging the award passed in MCOP.No.98 of 2016, on the file of the III Additional District Judge, III Additional District Court, Tiruvallur at Poonamallee, the Insurance Company preferred this Appeal on the point of quantum of compensation. For the sake of convenience, the parties are referred to as per their ranking before



C.M.A.No.2326 of 2019

the trial Court.

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3.Heard the learned counsel for the Insurance Company and the learned counsel for the claim Petitioners.

4.Perusal of the records reveals that, at the time of the accident, the deceased was said to be 40 years and was working as fish vendor. In Ex.P.2/Death Report & Ex.P.4/Post mortem Certificate, the age of the deceased was mentioned as 42 years and hence, the Tribunal fixed the age of the deceased as 42 years at the time of the accident and applied multiplier method. The Tribunal has fixed the notional income as Rs.9,000/- and added future prospects also. After deducting 1/4th towards personal expenses, the Tribunal arrived the pecuniary loss at Rs.14,17,416/-. Apart from that, funeral expenses, loss of consortium, loss of love and affection, transportation charges, loss of estate were also added and total compensation was arrived at Rs.16,47,416/- by the Tribunal.

5.Hence, I find that the pecuniary loss sustained by the claim Petitioners



C.M.A.No.2326 of 2019

as calculated by the Tribunal is just and fair and in respect of other headings, though there are some values on the higher side, it is just and fair. Therefore, there is no merit in this Appeal.

6. Accordingly, the Appeal is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

**02.02.2023**

Index : Yes/No  
Neutral citation : Yes/No  
Speaking Order/Non-Speaking Order

*sai*

To

The III Additional District Judge,  
III Additional District Court,  
Tiruvallur at Poonamallee.



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*C.M.A.No.2326 of 2019*

**RMT.TEEKAA RAMAN.J,**

*sai*

**C.M.A.No.2326 of 2019**

**and**

**C.M.P.No.10562 of 2019**

**Dated: 02.02.2023**