



C.M.A(MD)No.741 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.03.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.M.A(MD)No.741 of 2019

and

C.M.P(MD)No.9467 of 2019

The Branch Manager,
National Insurance Company Limited,
No.63, West Pradhakshnam Road,
Karur.

... Appellant/2nd Respondent

Vs.

1.Anbarasan

2.Singaram

... Respondents/Petitioners

3.M/s.V.K.M.Transports,
No.55/49, South Madavilagam Street,
Karur District.

... Respondent/1st Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, to set aside the judgment and decree passed by the Motor Accident Claims Tribunal, Principal District Judge, Karur in M.C.O.P.No.253 of 2016 dated 13.08.2018.

For Appellant : Mr.D.Sivaraman

For R1&R2 : MrN.Sudhagar Nagaraj



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For R3 : No Appearance

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JUDGEMENT

The present appeal has been filed by the insurance company challenging the quantum of award passed by the Motor Accident Claims Tribunal in M.C.O.P.No.253 of 2016 on the file of Motor Accident Claims Tribunal, Karur.

2. The primary objection on the side of the insurance company is that the deceased was a 4th year engineering student and the tribunal has taken Rs.15,000/- as notional income per month and has arrived at a total compensation of Rs.17,50,000/-. According to the learned counsel appearing for the appellant, the notional income for an engineering student should have been taken at the rate of Rs.12,000/- per month and not at the rate of Rs.15,000/- per month. The learned counsel for the appellant had further relied upon a judgment of this Court in ***C.M.A(MD)No.296 of 2020, dated 04.02.2020 (HDFC ERGO General Insurance Company Limited Vs. Selvaraj & Others)*** to contend that in the said case, the accident has taken place in the year 2015 involving an engineering college student and this Court was pleased to fix Rs.12,000/- as notional income. Therefore, he had contended that the notional income may be reduced from Rs.15,000/- to Rs.12,000/- per month.



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3. However, the learned counsel appearing for the respondents pointed out the Division Bench judgment of our High Court reported in **2021 (1) TN MAC 805 (Reliance General Insurance Co.Ltd Vs. A.Senthilkumar & Others)** to contend that for an accident of the year 2009 and involving an engineering college student, the notional income was taken at the rate of Rs.18,000/-.

4. In view of the Division Bench judgment, I do not find the fixation of Rs.15,000/- as notional monthly income is exorbitant or unreasonable. The appeal of the insurance company is liable to be dismissed.

5. Hence, the Civil Miscellaneous Appeal stands dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

15.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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- 1.The Motor Accident Claims Tribunal,
Principal District Judge,
Karur.
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
C.M.A(MD)No.741 of 2019

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