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C.M.A.No.345 of 1995

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.M.A.No.345 of 1995

1.Kasthuri
2.Uma
3.Murugan
4.Saritha

... Appellants

Vs.

1.K.Rajendran (Deceased)
2.The United India Insurance Co. Ltd.,
by its Branch Manager,
Mettur Dam – 636 401.
3.Sivagami
4.Sakthivel, a minor
5.Sandhya, a minor
6.Thulasimani

(Respondents 3 to 6/ legal representatives
of the deceased first respondent are brought
on record as per the order of this Court
dated 17.12.2024 made in
C.M.P.Nos.96 to 98 of 1997 in
C.M.A.No.345 of 1995 by MDIJ)

... Respondents

Prayer:

Civil Miscellaneous Appeal filed under Section 173 (1) of the
Motor Vehicles Act, 1988, against the judgment and decree dated



C.M.A.No.345 of 1995

26.02.1993 in M.C.O.P.No.289 of 1989 on the file of the Motor Accidents Claims Tribunal (Sub – Judge) at Poonamallee.

For Appellants : Mrs.Ramya V.Rao
For Respondents : NRN

J U D G M E N T

This appeal has been filed by the appellants/ claimants challenging the judgment and decree dated 26.02.1993 in M.C.O.P. No.289 of 1989 on the file of the Motor Accidents Claims Tribunal (Sub-Judge) at Poonamallee.

2.The learned counsel appearing for the appellants submitted that on 11.04.1988 at about 05.30 a.m., the deceased Irusappan was riding his bullock cart in the Poonamalle High Road, Nerkundram. At that time, the driver of the bus (goods vehicle) bearing Registration No.T.C.S.6799 drove the vehicle in a rash and negligent manner and dashed against the bullock cart, due to which, the deceased lost his life. Thereafter, the dependants of the deceased filed claim petition before the Motor Accidents Claims Tribunal, claiming a sum of Rs.2 Lakhs as compensation.

3.The learned counsel appearing for the appellants submitted



C.M.A.No.345 of 1995

that after adjudication, the Tribunal awarded a sum of Rs.48,800/- as compensation along with interest at the rate of 12% per annum from the date of filing of the petition till the date of deposit with proportionate costs and directed the first respondent to deposit the compensation. Aggrieved by the same, the claimants have preferred this appeal seeking enhancement in compensation.

4.The learned counsel appearing for the appellants further submitted that the appellant has filed this appeal questioning the quantum of compensation awarded by the Tribunal. The learned counsel further submitted that the Tribunal fixed a sum of Rs.200/- as the notional monthly income of the deceased and awarded compensation for loss of income which is very meagre and the amount awarded by the Tribunal under the other heads are also very meagre and hence, the appellants are entitled for enhancement in compensation.

5.Heard the learned counsel appearing for the appellants. Though the appeal is of the year 1995, till date the appellants have not taken effective steps to serve notice on the respondents. Considering the pendency of the civil miscellaneous appeal, this Court is inclined to



C.M.A.No.345 of 1995

WEB COPY

proceed with the case and decide the same based on the materials available on record.

6.The accident and the manner in which the accident happened are not disputed. This appeal has been filed only questioning the quantum of compensation. Hence, there is no need for any discussion with regard to negligence aspect.

7.The tribunal after elaborately discussing the factual aspects awarded a sum of Rs.36,800/- for loss of income, Rs.5,000/- for loss of life expectations, Rs.4,000/- for consortium, Rs.3,000/- for mental agony and arrived at a total compensation of Rs.48,800/- with interest at the rate of 12% per annum from the date of filing of the petition till the date of deposit and has directed the first respondent to deposit the compensation amount since the first respondent did not possess any valid licence.

8.The Tribunal after considering all the factual aspects, has awarded compensation which is just and reasonable and hence the impugned judgment warrants no interference.



C.M.A.No.345 of 1995

WEB COPY

9.The civil miscellaneous appeal is dismissed. The judgment and decree dated 26.02.1993 in M.C.O.P. No.289 of 1989 on the file of the Motor Accidents Claims Tribunal (Sub-Judge) at Poonamallee, is confirmed. No costs.

17.12.2024

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Motor Accidents Claims Tribunal
(Sub-Judge) at Poonamallee.



WEB COPY



C.M.A.No.345 of 1995

M.DHANDAPANI,J.
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17.12.2024