IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2024

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A. No.519 of 2021
and
C.M.P. No.3314 of 2021

M/s.Reliance General Insurance Co. Ltd.,
Nungambakkam,
Chennai – 600 034. ... Appellant

Vs.

1. Rajendran
2. Amutha
3. Manju
4. Anandhan
5. Anugraha Logistics Pvt. Ltd.,
G-5, Fortune Classic,
No.29,
Stedford Hospital Road,
Ambattur,
Chennai – 600 055. ... Respondents

PRAYER: Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and Decree dated 20.09.2019 made in M.C.O.P. No.1466 of 2017 on the file of the Motor Accident Claims Tribunal, Special Sub Court No.2, Chennai.

For Appellant : Ms.S. Arun Kumar
For Respondents : Mr.P. Venkatesan for R1 to R4
Mr.P. Veeraraghavan for R5

JUDGMENT

This appeal has been filed by the Insurance Company challenging the impugned award passed by the Tribunal under the following grounds :

a) The Tribunal ought to have granted pay and recovery rights to the appellant / Insurance Company, since the driver of the vehicle did not possess a valid driving licence and

b) The quantum of compensation awarded by the Tribunal is excessive.

2. Heard Mr.S. Arun Kumar, learned counsel for the appellant / Insurance Company and Mr.P. Venkatesan, learned counsel for the respondents 1 to 4.

3. This Court has perused and examined the impugned award as well as the materials and evidence available on record before the Tribunal.

4. Insofar as the first ground raised by the appellant / Insurance Company is concerned, the 5th respondent, who is the owner of the vehicle insured with the appellant / Insurance Company has produced the driving licence of the driver of the insured vehicle. A memo to that effect was filed

enclosing a copy of the driving licence. As seen from the same, the driver of the vehicle was possessing a valid driving licence on the date of the accident. There is also no requirement for endorsement as the vehicle involved is a LMV vehicle, as per the well settled law laid down by the Hon'ble Supreme Court in the case of ***Mukund Dewangan reported in (2016) 4 SCC 298***. Therefore, the first ground raised by the appellant / Insurance Company fails.

5. Insofar as the quantum of compensation awarded by the Tribunal is concerned, the Tribunal has awarded a total compensation of Rs.20,51,531/- as detailed hereunder to the respondents 1 and 2, who are the dependants of the deceased :

Heads	***Amount awarded by the Tribunal (Rs.)***
Loss of dependency (Rs.13000/- + 40% = Rs.18200/- x 12 Less 50% x 17 = Rs.18,56,400/-	18,56,400/-
Loss of income	15,000/-
Funeral expenses	15,000/-
Loss of love and affection	80,000
Medical Expenses	85,131

Heads	***Amount awarded by the Tribunal (Rs.)***
Total	20,51,531/-
Rounded off	20,51,600/-

6. Though, the appellant / Insurance Company questions the fixation of the notional monthly income of the deceased by the Tribunal at Rs.13,000/-, there is no scope for interference with regard to the assessment made by the Tribunal for the following reasons :

> The deceased was aged 27 years and was said to be doing transport business. The accident happened in the year 2016. In the claim petition, the claimants have pleaded that the deceased was earning income of Rs.15,000/-p.m., but the Tribunal has assessed the monthly income of the deceased at Rs.13,000/- which in the considered view of this Court cannot be excessive considering the nature of avocation pleaded by the respondents / claimants and the year of the accident.

7. Insofar as the compensation awarded by the Tribunal under various

other heads as detailed supra is concerned, the same cannot also be considered to be excessive as claimed by the appellant / Insurance Company as the compensation awarded by the Tribunal under those heads is a just compensation. Therefore, the second ground raised by the appellant / Insurance Company also fails.

8. This Court after giving due consideration to the impugned award as well as to the evidence available on record before the Tribunal as well as the driving licence, which has been produced by the 5th respondent before this Court is of the considered view that there is no infirmity in the award passed by the Tribunal.

9. In the result, there is no merit in this appeal. Accordingly, this Civil Miscellaneous Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

10. The appellant / Insurance Company is directed to deposit the entire award amount as awarded by the Tribunal together with interest at 7.5% p.a. from the date of claim petition till the date of realization, less the

amount, if any, already deposited to the credit of MCOP No.1466 of 2017 on the file of the Motor Accidents Claims Tribunal, (Special Sub Court No.2), Chennai, within a period of eight weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the Tribunal is directed to transfer the award amount directly to the bank account of the respondents 1 and 2 /claimants as per the same ratio of apportionment made by the Tribunal through RTGS, within a period of two weeks thereafter.

15.04.2024

Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
vsi2
To

1.The Sub Court,
Special Sub Court No.2,
Motor Accidents Claims Tribunal,
Chennai.

2.The Section Officer,
V.R. Section, High Court of Madras,
Chennai – 104.

ABDUL QUDDHOSE. J.,

vsi2

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