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CMA.No.459 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2024

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

C.M.A.No.459 of 2023

1.Govindan

2.Devi

3.Sivaji

4.Lakshmanan

5.Sahadevan

... Appellants

vs.

1. Sakthi

2. Lakshmanan

3. The National Insurance Company Limited,
46, Moor Street, Chennai – 1.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Award dated 02.11.2022 in M.C.O.P.8159 of 2018 on the file of the Special Sub Court No.I, Motor Accident Claims Tribunal, Small Causes Court, Chennai.



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For Appellants : Mr.S.Udhayakumar

For R3 : Ms.R.Sreevidhya

J U D G M E N T

The appellants are the claimants in M.C.O.P.8159 of 2018 on the file of the Motor Accident Claims Tribunal, Small Causes Court, Chennai. They filed the claim petition under Section 163A of the Motor Vehicles Act, 1988 seeking compensation of Rs.25,00,000/- for the death of one Manavarthal, (wife of claimant 1 ; mother of claimants 2 to 5) in a road accident that took place on 11.04.2016.

2. The brief case of the appellants / claimants is as follows :

On 11.04.2016, Manavarthal (since deceased) was travelling as a pillion rider in a two wheeler bearing Registration Number TN-25-AP-2079 via Renderipattu Village and at about 4.00 p.m. a tractor bearing Registration Number TN-25-AX-5027 belonging to the first respondent hit the two wheeler, causing instantaneous death of Manavarthal.



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3. In the Tribunal the owner of the tractor and the owner of the the two wheeler remained absent and were set *ex parte*. The third respondent, the National Insurance Company Limited resisted the claim petition on all the grounds available to the insurer under Section 170 of the Motor Vehicles Act.

4. The Tribunal after analysing the evidence on record, awarded compensation of Rs.3,02,900/- to the appellants (claimants) together with interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

5. Aggrieved over the quantum of compensation awarded by the Tribunal, the appellants / claimants have filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

6. Heard Mr.S.Udhayakumar, learned counsel appearing for the appellants and Ms.R.Sreevidhya, learned counsel appearing for the third



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respondent.

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7. It is pertinent to point out that the present claim petition is filed under Section 163A of the Motor Vehicles Act and the Tribunal as per the schedule had fixed notional annual income of the deceased as Rs.40,000/-. The Tribunal also applied proper multiplier '11' and awarded a sum of Rs.2,93,337/- for loss of dependency. Apart from that, the Tribunal also awarded a sum of Rs.5,000/- for loss of consortium, Rs.2,500/- for loss of estate and Rs.2,000/- for funeral expenses. In the circumstances, I do not see any reason to interfere with the compensation awarded by the Tribunal.

8. Accordingly, the Civil Miscellaneous Appeal stands dismissed. No costs.

18.09.2024

Index : Yes/No
Speaking/Non-speaking order
mtl



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To

1. The Motor Accidents Claims Tribunal,
Special Sub Court No.I, Small Causes Court, Chennai.
2. The National Insurance Company Limited,
46, Moor Street, Chennai – 1.
3. The Section Officer, VR Section, Madras High Court, Chennai.



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R.HEMALATHA, J.

mtl

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