



C.M.A.No.1211 of 2021

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

C.M.A.No.1211 of 2021

1. Sangareswari

2. Krishna (minor)

3. Kanshika (minor)

(Minors 2 and 3 are represented by their mother
Sangareswari first appellant)

4.Kamatchiammal

... Appellants

Vs.

1. R.Raja

2. Shriram General Insurance Company Limited,
'Mookambika Complex',

2nd Floor, No.4, Lady Desika Road,

C.P.Ramasamy Road, Mylapore,

Chennai – 600 004.

Respondents

...

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Award dated 18.12.2019 in M.C.O.P.6999 of 2014 on the file of the Motor Accident Claims Tribunal,



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WEB COPY V Small Causes Court, Chennai.

For Appellants : Mr.K.Varadha Kamaraj
For R2 : Ms.R.Sreevidhya

J U D G M E N T

The appellants are the claimants in M.C.O.P.6999 of 2014 on the file of the Motor Accident Claims Tribunal, V Small Causes Court, Chennai. They filed the claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation of Rs.50,00,000/- for the death of one Muthukaruppan, (husband of first claimant, father of claimants 2 and 3 and son of fourth claimant) in a road accident that took place on 07.10.2014.

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

On 07.10.2014, Muthukaruppan (since deceased) was walking along 100 feet road, Vadapalani, Chennai and at about 9.15 p.m. a speeding Tata Sumo Car bearing Registration Number TN-01-AD-0384 belonging to the first respondent, hit him, resulting in his instantaneous



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death.

3. According to the claimants, the rash and negligent driving of the driver of the Tata Sumo Car bearing Registration Number TN-01-AD-0384 belonging to the first respondent was the cause of the accident and that since the said vehicle was insured with the second respondent, the Shriram General Insurance Company Limited, the owner of the Tata Sumo Car and the insurer are jointly and severally liable to pay compensation to them.

4. In the Tribunal, the owner of the Tata Sumo Car remained absent and was set *ex parte*. The second respondent, Insurance Company resisted the claim petition on all the grounds available to the insurer under Section 170 of the Motor Vehicles Act.

5. The Tribunal after analysing the evidence on record, fastened negligence on the part of the driver of the Tata Sumo Car bearing Registration Number TN-01-AD-0384 and held that the owner of the two wheeler and the insurer are jointly and severally liable to pay



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compensation of Rs.26,40,000/- 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, vide its orders dated 18.12.2019.

6. 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.

7. Heard Mr.K.Varadha Kamaraj, learned counsel appearing for the appellants and Ms.R.Sreevidhya, learned counsel appearing for the second respondent.

8. Mr.K.Varadha Kamaraj, learned counsel appearing for the appellants contended that the Tribunal, after analysing the evidence on record, has not awarded just compensation and therefore, the same has to be enhanced.

9. Per contra Ms.R.Sreevidhya, learned counsel appearing for



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the second respondent contended that the Award passed by the Tribunal is based on the well laid principles of law which were in vogue at the time of passing of the order and therefore, the same need not be disturbed at this stage.

10. A perusal of the orders passed by the Tribunal shows that just compensation has been awarded to the claimants and therefore, the appeal stands dismissed.

11. In the result,

- i. the Civil Miscellaneous Appeal is dismissed. No costs.
- ii. the Award dated 18.12.2019 in M.C.O.P.6999 of 2014 on the file of the Motor Accident Claims Tribunal, V Small Causes Court, Chennai, is hereby confirmed.

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Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order

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To

- 1.The Motor Accident Claims Tribunal, V Small Causes Court, Chennai,
2. Shriram General Insurance Company Limited,
'Mookambika Complex',
2nd Floor, No.4, Lady Desika Road,
C.P.Ramasamy Road, Mylapore,
Chennai – 600 004.
- 3.The Section Officer, VR Section, Madras High Court, Chennai.



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R. HEMALATHA, J.

mtl

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