



Civil Miscellaneous Appeal No.1631 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Civil Miscellaneous Appeal No.1631 of 2024

and

C.M.P.No.13368 of 2024

United India Insurance Company Limited,
No.26, D9, Kumbakonam Road,
Vadakailasam, Cuddalore.

... Appellant

Vs.

1.Anjalatchi
W/o.Selvarasu

2.Unnamalai
W/o.Muthaiyan

3.Elumalai
S/o.Muthaiyan

4.Sivagurunathan
W/o.Tirunavukkarasu Pillai

... Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 10.08.2022 made in M.C.O.P.No.232 of 2016 on the file of Motor Accident Claims Tribunal, Special District Court, Villupuram.



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For Appellant : Mr.E.Rajadurai
for M/s.M.B.Gopalan Associates

JUDGMENT

The appellant insurance company, aggrieved by the award passed by the Motor Accident Claims Tribunal, Special District Court, Villupuram, in M.C.O.P.No.232 of 2016, dated 10.08.2022, has filed this appeal.

2. The dependents, who are the sisters and brother of the deceased Sivasubramanian, filed the claim petition on the ground that the deceased was standing in a bus stand at Tirunavallur - Cuddalore main road on 31.07.2015 and at about 8.10 p.m., the offending vehicle belonging to the first respondent in the claim petition was driven in a rash and negligent manner and it dashed on the deceased and the deceased sustained grievous injuries. In spite of the treatment given to the deceased, he died on 30.09.2015. It is under these circumstances, the claim petition came to be filed before the Tribunal seeking compensation.



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3. The Tribunal, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the offending vehicle. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.7,35,800/- under various heads as follows:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of income/dependency	5,80,800/-
2.	Loss of love and affection	1,20,000/-
3.	Funeral expenses	15,000/-
4.	Loss of clothes	15,000/-
5.	Transport expenses	5,000/-
	Total	7,35,800/-

The above compensation was directed to be paid along with interest at 7.5% p.a.

4. The appellant insurance company, aggrieved by the award passed by the Tribunal, has filed this appeal.

5. Heard Mr.E.Rajadurai, learned counsel for appellant insurance company.



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6. This Court carefully considered the submissions made by learned counsel for appellant insurance company and the materials available on record.

7. This Court also carefully went through the award passed by the Tribunal.

8. The main issue raised by learned counsel for appellant is that there was absolutely no document to prove that the claimants are the legal representatives of the deceased Sivasubramanian. Learned counsel further submitted that there was no proof to show that the claimants were dependents and were entitled to claim compensation.

9. At the time of hearing, learned counsel for appellant produced certain materials, which shows that the claimants are none other than the sisters and brother of the deceased. There is nothing to show that there are any other dependents or legal representatives of the deceased. Therefore, the claimants are certainly entitled to claim compensation for the demise of Sivasubramanian. The compensation fixed by the Tribunal is also reasonable and it does not require the interference of this Court.



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10. The appellant insurance company is directed to deposit the compensation awarded by the Tribunal, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of four (4) weeks from the date of receipt of this judgment. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. On payment of compensation, the appellant insurance company will be entitled to recover the same from the owner of the offending vehicle as ordered by the Tribunal.

In the result, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

19.07.2024

Speaking Judgment/Non-speaking Judgment

Index :Yes/No

Neutral citation: Yes/No

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To

The Motor Accident Claims Tribunal,
Special District Court, Villupuram.



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N.ANAND VENKATESH, J.

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