



C.M.A.No.196 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2024

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.196 of 2021
and
C.M.P.No.1389 of 2021

The Branch Manager,
United India Insurance Company Ltd.,
Office at D.No.27/48-32/3, Bye Pass Road,
Near Court Building Hospital,
Punganur - 517 247, Andhra Pradesh.

... Appellant

Vs.

1.T.Varalakshmi
2.T.Anandha
3.S.Navabee

(Appeal is dismissed as not pressed as against R3
vide Court order dated 18.06.2024 made in
C.M.A.No.196 of 2021)

... Respondents

PRAYER: Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicles Act, 1988 challenging the Judgment and Decree dated 13.02.2020 made in M.C.O.P. No.320 of 2018 on the file of the Motor Accidents Claims Tribunal, Additional District Court, Hosur.

For Appellant : Mr.S.Arunkumar

For Respondents : Mr.M.Sivakumar
for R1 and R2

R3 - Dismissed



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C.M.A.No.196 of 2---

JUDGMENT

This appeal has been filed by the Insurance Company challenging the impugned award, questioning its liability to pay compensation and also stating that the compensation awarded by the Tribunal is excessive.

2. In so far as the liability issue raised by the appellant Insurance Company is concerned, the Tribunal has rightly considered the evidence available on record and has rightly granted pay and recovery rights to the appellant Insurance Company in view of the fact that the driver of the insured vehicle did not possess a valid license at the time of the accident. It is settled law that in case of policy violation, the Insurance Company is liable to pay the determined compensation to the claimant and thereafter, recover the same from the insured. Only by following the settled law, the Tribunal has granted pay and recovery rights to the appellant Insurance Company. Therefore, the ground raised by the appellant, questioning its liability to pay compensation as determined by the Tribunal has to be rejected.



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3. In so far as the quantum of compensation awarded by the Tribunal is concerned, this Court is of the considered view that the compensation awarded by the Tribunal under various other heads amounting to Rs.14,25,800/- is a just compensation for the following reasons:

a) The accident happened in the year 2017. The notional monthly income of the deceased was fixed at Rs.9,000/-, which cannot be considered to be excessive as claimed by the appellant in this appeal if the year of the accident is taken into consideration;

b) The compensation awarded by the Tribunal towards loss of dependency at Rs.9,72,000/-, loss of love and affection at Rs.20,000/-, transportation at Rs.10,000/-, funeral expenses at Rs.15,000/-, loss of estate at Rs.20,000/- and future prospects at Rs.3,88,800/- cannot be considered to be excessive as it is a fatal accident claim and the year of the accident is 2017.

4. The Tribunal has also rightly rejected the jurisdictional plea taken by the appellant before the Tribunal by taking into consideration the fact that the claimants at the time of filing the claim were residents of Hosur. The claim was filed only before the Motor Accidents Claims Tribunal, Additional



District Court, Hosur. Therefore, this Court does not find any infirmity in the findings of the Tribunal that the Tribunal has got jurisdiction to entertain the claim filed by the claimants.

5. In the result, there is no merit in this appeal. Accordingly, this appeal is dismissed.

6. The appellant Insurance Company is directed to deposit the award amount, deducting the amount already deposited, if any, together with interest at the rate of **7.5%** per annum from the date of the claim petition till the date of deposit and cost to the credit of **M.C.O.P. No.320 of 2018** on the file of the **Motor Accidents Claims Tribunal, Additional District Court, Hosur**, within a period of **four weeks** from the date of receipt of a copy of this judgment.

7. The claimants are permitted to withdraw the said amount, once it is deposited by the appellant Insurance Company, by filing an appropriate application before the Tribunal. On such application being made, the Tribunal shall transfer the amount lying to the credit of **M.C.O.P. No.320 of**



C.M.A.No.196 of 2018

2018 to the bank account of the claimants directly through RTGS, within a period of **one week** thereafter. No costs. Consequently, the connected miscellaneous petition is closed.

09.07.2024

Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
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C.M.A.No.196 of 2021

ABDUL QUDDHOSE. J.,

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To

1. The Motor Accidents Claims Tribunal, Additional District Court, Hosur
2. The Section officer, Record Section, High Court of Madras.

C.M.A.No.196 of 2021

09.07.2024