



Civil Miscellaneous Appeal No.1796 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Civil Miscellaneous Appeal No.1796 of 2024

The Branch Manager,
United India Insurance Company Limited
Suguna Nursing Home Complex
Anthragange Road,
Near KSRTC Bus stand,
Kolar Town and District
Karnataka

... Appellant

Vs.

1. Nirmala Das

P.Kenchappa [died]

2. Mariyamma

3. Pavithra

4. Kavitha

... Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act against the judgement and decree dated 17.09.2019 made in M.C.O.P.No.212 of 2017 on the file of Motor Accident Claim Tribunal, (Additional District Judge, Hosur).



Civil Miscellaneous Appeal No.1796 of 2024

For Appellant : M/s.A.Dhiraviyanathan

For Respondents : M/s.D.Jeevitha
Amicus Curie for R1

JUDGMENT

The Insurance company has filed the present appeal aggrieved by the award passed by the Motor Accident Claim Tribunal, (Additional District Judge, Hosur) in M.C.O.P.No.72 of 2020 dated 13.10.2023.

2. The claimant, who is the mother of the deceased Sameer Dass filed the claim petition on the ground that the deceased was riding a bicycle on the left side of the road near Andhivadi check post, Attibele road and at about 7.30 p.m, the offending vehicle, which was a Tata Ace goods vehicle was driven in a rash and negligent manner and it came in the opposite direction and it hit the bicycle. As a result, the deceased was thrown out of the bicycle and he sustained grievous injuries. He succumbed to the injuries. An FIR came to be registered against the driver of the offending vehicle in Crime No.180 of 2015. It is under these



circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation.

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.

4. The Tribunal thereafter proceeded to determine the total compensation at Rs.16,25,800/- under various heads in the following manner:-

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of Dependency	Rs.11,22,000/-
2.	Loss of love and affection	Rs. 10,000/-
3.	Transportation	Rs.10,000/-
4.	Funeral expenses	Rs.15,000/-
5.	Loss of estate	Rs.20,000/-
6.	Future Prospects	Rs.4,48,000/-
	Total	Rs.16,25,800/-

5. The Tribunal directed the above compensation to be paid with interest at the rate of 7.5% p.a.



WEB COPY

6. The insurance company aggrieved by the quantum of compensation fixed by the Tribunal has filed this appeal before this Court.

7. Heard A.Dhiraviyanathan, learned counsel for appellant insurance company and M/s.D.Jeevitha, learned counsel for Amicus curie.

8. This Court carefully considered the submissions made on either side and the materials available on record.

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

10. In the considered view of this Court, the Tribunal had taken into consideration the age of the deceased and also the year in which the accident had taken place and has properly fixed a sum of Rs.11,000/- as notional monthly income. 40% has been added towards future prospects.



Civil Miscellaneous Appeal No.1796 of 2024

Proper multiplier has been applied and $\frac{1}{2}$ has been deducted towards personal expenditure of the deceased. That apart, the compensation fixed under the other heads are reasonable and it does not require the interference of this Court.

11. In the result, this Civil Miscellaneous appeal is dismissed. The appellant insurance company is directed to deposit the entire 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 six 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.

No costs.

25.07.2024

Speaking Judgment/Non-speaking Judgment

Index :Yes/No

Neutral citation: Yes/No

rka

N.ANAND VENKATESH.,J

rka



Civil Miscellaneous Appeal No.1796 of 2024

WEB COPY To,

Motor Accident Claim Tribunal, (Additional District Judge, Hosur).

Civil Miscellaneous Appeal No.1796 of 2024

25.07.2024