



WEB COPY



CMA No.1859 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.1859 of 2022

1.Bharathi
2.M.Varadharajalu

.. Appellants

.Vs.

1.Pramoth divakhar

2.The United India Insurance Co.Ltd,
No.42, Arcot Road, Chandra Plaza
Saligramam, Chennai-93.

.. Respondents

Prayer : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, aggrieved by the judgment and decree dated 16.8.2017 made in MCOP No.792 of 2016, on the file of III Additional District Court (Motor Accident Claims Tribunal), Poonamallee.

For Appellants : Mr.K.Varadha Kamaraj
For Respondents : Mr.V.Dakshanamoorthy [R2]
[R1 set ex parte]

JUDGMENT

The present appeal has been filed by the claimants seeking for enhancement of compensation awarded by the III Additional District Court (Motor Accident Claims



CMA No.1859 of 2022

Tribunal), Poonamallee (for short, the Tribunal below) in MCOP No.792 of 2016, dated 16.8.2017.

2. Heard Mr.K.Varadha Kamaraj, learned counsel for the appellants, Mr.V.Dakshanamoorthy, learned counsel for R2 Insurance Company and R1 set ex parte (Tribunal below).

3. The case leading to filing of this appeal is as follows :

(i) The case of the claimants is that on 12.11.2016 at about 9.00 am, the deceased was proceeding in a two wheeler from Nellikuppam to Chennai. He was traveling in a two wheeler along with his friend who was the pillion rider. Near Keelkaalvaai Earikkarai, deceased lost his control and as a result, the two wheeler fell into a ditch. He sustained grievous injuries and he succumbed to the injuries on 17.11.2016. It was under these circumstances, the claimants who are the parents of the deceased filed the claim petition under Section 163A of the Motor Vehicles Act, 1988 (hereafter referred as 'the Act').

(ii) The Tribunal below on considering the facts and circumstances of the case and on appreciation of evidence, came to a conclusion that the deceased had died only due to injuries sustained during the accident and that it is not necessary to go into the issue of negligence in a petition filed under Section 163 of the Act. Having rendered such a finding, the Tribunal below proceeded to fix the compensation as



CMA No.1859 of 2022

per second schedule, and the total compensation was fixed at Rs.1,79,500/- as follows:

Sl.No	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of dependency	Rs.1,60,000/-
2.	Funeral Expenses	Rs. 2,000/-
3.	Medical Expenses	Rs. 15,000/-
4.	Loss of Estate	Rs. 2,500/-
	Total	Rs.1,79,500/-

(iii) The claimants not being satisfied with the compensation fixed by the Tribunal below, have filed this appeal seeking for enhancement of compensation.

4.In the considered view of this Court, the Tribunal below has granted compensation as per the second schedule and compensation amount that has fixed is also reasonable. The same does not require the interference of this Court.

5.In view of the above, this civil miscellaneous appeal stands dismissed. No costs.

08.04.2024

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
KP



WEB COPY



CMA No.1859 of 2022

N. ANAND VENKATESH., J

KP

To

III Additional District Court
(Motor Accident Claims Tribunal)
Poonamallee.

CMA No.1859 of 2022