



Civil Miscellaneous Appeal No.1821 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Civil Miscellaneous Appeal No.1821 of 2024
and CMP No.14358 of 2024

The Superintendent of Police,
Villupuram Taluk,
Villupuram District

... Appellant

Vs.

1. Ilambouranane

2. Indrakumari

3. Sathiamoorthi

... Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act against the judgement and decree dated 25.11.2022 made in M.C.O.P.No.355 of 2019 on the file of Motor Accident Claim Tribunal, Special District Court, Villupuram.

For Appellant : M/s.B.Tamilnidhi

Additional Government Pleader

For Respondents : Mr.C.Sakthi Manikandan



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JUDGMENT

This appeal has been filed by the Superintendent of Police, Villupuram Taluk, against the award passed by Motor Accident Claim Tribunal, Special District Court, Villupuram in M.C.O.P.No.355 of 2019 dated 25.11.2022.

2. The claimants, who are the children of the deceased Mannangatti filed the claim petition on the ground that on 17.02.2019, the deceased Mannangatti was going in the cycle at Villupuram to Pondicherry road and was standing near a Punjabi Dhaba and at about 5.40 p.m, the offending vehicle, which was a Mahindra Bolero car was driven in a rash and negligent manner and it dashed on the deceased. As a result of which, the deceased sustained grievous injuries and succumbed to the injuries. 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.7,10,000/- 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 Income	Rs.5,60,000/-
2.	Funeral expenses	Rs.15,000/-
3.	Damages to clothes and articles	Rs.15,000/-
4.	Loss of love and affection (40000 x3)	Rs.1,20,000/-
	Total	Rs.7,10,000/-

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

6. The Superintendent of Police, Villupuram, aggrieved by the award passed by the Tribunal has filed this appeal before this Court.



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7. Heard Ms.B.Tamilnidhi, learned counsel for appellant and Mr.C.Sakthi Manikandan, learned counsel for respondents.

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. The main ground that was urged by the learned Additional Government pleader appearing on behalf of appellant is that the deceased in this case was aged about 65 years and the accident had taken place in the year 2019 and the Tribunal fixed the notional monthly income at Rs.10,000/- which is on the higher side. The learned Additional Government Pleader further submitted that the claimants failed to establish the negligence on the part of the driver of the offending vehicle. In view of the same, it was contended that the award passed by the Tribunal requires the interference of this Court.



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11. Insofar as the issue of negligence is concerned, the Tribunal has taken into consideration the FIR that was registered against the Driver of the offending vehicle in Crime No.51 of 2019 and also the final report that was filed on completion of investigation before the learned Judicial Magistrate II, Villupuram. The Tribunal has also taken into consideration the evidence of PW1 and PW2 and also the relevant documents and by applying the principle of preponderance of probabilities, the Tribunal came to a conclusion that the accident had taken place only due to the negligence on the part of the driver of the offending vehicle. This finding of the Tribunal does not suffer from any illegality warranting the interference of this Court.

12. The next issue is with regard to the notional monthly income that was fixed by the Tribunal. In the instant case, the deceased was aged about 65 years and the accident had taken place in the year 2019. Even though, there was no proof regarding the avocation of the deceased and the income earned by him, considering the fact that there are three claimants and the accident had taken place in the year 2019 and taking



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note of the cost of living and the price index, the notional monthly income fixed by the Tribunal at Rs.10,000/- is very reasonable and it does not require the interference of this Court.

13. The compensation that has been granted under the other heads are reasonable and it does not require the interference of this Court.

14. In the result, this Civil Miscellaneous appeal stands dismissed. The appellant is directed to deposit the entire compensation amount, 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. Consequently, the connected miscellaneous petition is closed.

30.07.2024

Speaking Judgment/Non-speaking Judgment

Index :Yes/No

Neutral citation: Yes/No



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N.ANAND VENKATESH.,J

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To,
The Superintendent of Police,
Villupuram Taluk,
Villupuram District

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