



WEB COPY



C.M.A.No.2615 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2024

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.2615 of 2022

and

C.M.P.No.20374 of 2022

United India Insurance Company Limited,
No.104-A, Ranga Building,
Peramunur Main Road,
Near 4 Road, Salem - 636 007.

... Appellant

Vs.

1.Tamilrasi
2.Elakiya
3.Elamugil
4.V.Ravi

... Respondents

PRAYER: Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicles Act, 1988 challenging the Award and Decree dated 15.06.2022 made in M.C.O.P. No.163 of 2019 on the file of the Motor Accidents Claims Tribunal, Special Court for Trial of Cases Registered under SC/ST (POA) Act, Namakkal.

For Appellant : Ms.Harini
for M/s.M.B.Gopalan Associates

For Respondents : No Appearance

**JUDGMENT**

WEB COPY

This appeal has been filed by the Insurance Company, challenging the quantum of compensation awarded by the Tribunal to the respondents / claimants towards medical bills.

2. Apart from compensation awarded by the Tribunal under various other heads, which is not challenged in this appeal, the appellant Insurance Company has challenged only the quantum of compensation awarded by the Tribunal to the respondents / claimants towards medical bills.

3. Under the impugned award, the Tribunal has granted a total compensation of Rs.18,53,762/- as detailed hereunder to the respondents / claimants for the death of one Muthukumaran.

<i>Heads</i>	<i>Amount awarded by the Tribunal in Rs.</i>
Loss of Dependency	9,32,688
Future Prospects	1,39,903
Attender Charges	18,000
Medical expenses	6,32,171
Transportation	1,000
Loss of Consortium	40,000
Loss of love and affection	60,000
Funeral expenses	15,000



<i>Heads</i>	<i>Amount awarded by the Tribunal in Rs.</i>
Loss of estate	15,000
Total	18,53,762

4. The claimants are the dependents of the deceased Muthukumaran, who died on 03.04.2018. The learned counsel for the appellant drew the attention of this Court to the medical bills based on which a compensation of Rs.5,04,220/- has been awarded as medical expenses incurred by the deceased and would submit that despite the fact that PW1 during the course of her cross examination has admitted that the entire medical bills were settled to the hospital for the death of the accident victim, who died admittedly on 03.04.2018, the Tribunal has erroneously awarded compensation towards medical bills, which are dated subsequent to the date of the death of the deceased.

5. The following are the medical bills produced by the respondents / claimants before the Tribunal, which are dated subsequent to the date of the death of the deceased:

<i>Sl.No.</i>	<i>Date</i>	<i>Particulars</i>	<i>Amount in Rs.</i>
1	06.05.2018	MM Hospital Bill	4,50,500



<i>Sl.No.</i>	<i>Date</i>	<i>Particulars</i>	<i>Amount in Rs.</i>
2	05.05.2018	MM Scan Bill	12,630
3	05.05.2018	MM Lab Bill	6,110
4	05.05.2018	MM Lab Bill	3,860
5	05.05.2018	MM Lab Bill	10,110
6	05.05.2018	MM Lab Bill	5,560
7	05.05.2018	MM Lab Bill	6,810
8	05.05.2018	MM Lab Bill	8,640
		Total	5,04,220

6. By total non application of mind to the fact that the bills produced by the respondents / claimants also include bills, which are dated subsequent to the date of the death of the deceased and that too when PW1 has herself admitted during her cross examination that the entire medical bills of the hospital were settled on the date of the death of the deceased, the Tribunal has erroneously awarded a sum of Rs.5,04,220/- in respect of the medical bills, which are dated subsequent to the date of the death of the deceased.

7. The respondents have been duly served in this appeal and their names are also printed in the cause list today. Despite the same, they remain unrepresented eventhough the appeal is of the year 2022.

8. For the foregoing reasons, the compensation awarded by the Tribunal is reduced by subtracting Rs.5,04,220/- from and out of the total



compensation amount of Rs.18,53,762/- determined by the Tribunal under the impugned award. After reducing the said sum, the total compensation payable by the appellant to the respondents / claimants is Rs.13,49,542/-.

The appellant has not challenged the quantum of compensation awarded by the Tribunal under various other heads and the findings of the Tribunal with regard to the other heads are confirmed by this Court.

9. For the foregoing reasons, the compensation payable by the appellant Insurance Company is re-worked in the following manner:

<i>Heads</i>	<i>Amount awarded by the Tribunal in Rs.</i>	<i>Amount awarded by this Court in Rs.</i>
Loss of Dependency	9,32,688	9,32,688
Future Prospects	1,39,903	1,39,903
Attender Charges	18,000	18,000
Medical expenses	6,32,171	1,27,951
Transportation	1,000	1,000
Loss of Consortium	40,000	40,000
Loss of love and affection	60,000	60,000
Funeral expenses	15,000	15,000
Loss of estate	15,000	15,000
Total	18,53,762	13,49,542

10. In the result, this Civil Miscellaneous Appeal is **partly allowed** by reducing the award amount from **Rs.18,53,762/-** to **Rs.13,49,542/-**. The



WEB COPY

appellant insurance company is directed to deposit the reduced award amount of **Rs.13,49,542/-**, after 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.163 of 2019** on the file of the **Motor Accidents Claims Tribunal, Special Court for Trial of Cases Registered under SC/ST (POA) Act, Namakkal**, within a period of **four weeks** from the date of receipt of a copy of this judgment.

11. The excess amount deposited with the Tribunal in accordance with the impugned award is permitted to be withdrawn by the appellant Insurance Company by filing an appropriate application before the Tribunal.

12. 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.163 of 2019** to the bank account of the claimants directly through NEFT / RTGS, within a period of **one week** thereafter. No costs. Consequently, the



C.M.A.No.2615 of 2024

connected miscellaneous petition is closed.

25.06.2024

WEB COPY

Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
ab

To

1. The Motor Accidents Claims Tribunal, Special Court for Trial of Cases
Registered under SC/ST (POA) Act, Namakkal.

2. The Section officer, Record Section, High Court of Madras.



WEB COPY



C.M.A.No.2615 of 2022

ABDUL QUDDHOSE. J.,

ab

C.M.A.No.2615 of 2022

25.06.2024