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C.M.A.No.777 of 2020

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 04.04.2024

CORAM

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

C.M.A.No.777 of 2020

Cholamandalam MS General Insurance

Company Limited,

No.2, 2nd floor,

NSC Road,

Chennai – 1.

.. Appellant

Vs

1.Chinnalagi

2.Sakthivel

3.Sathyavani

4.Periyakka

5.Gopal

6.Balakrishna

.. Respondents

Prayer: This Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the decree and judgment dated 12.07.2019, made in M.C.O.P.No.847 of 2017, on the file of the Motor Accident Claims Tribunal, Special District Judge, Dharmapuri.

For Appellant

: Mr.M.B.Raghavan
for M/s.M.B.Gopalan Associates

For Respondents

: Mr.V.Sakkarapani



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JUDGMENT

The appeal has been filed by the Insurance Company questioning the quantum of compensation awarded by the Tribunal. As seen from the grounds of appeal, primarily, the appellant is aggrieved by the assessment of monthly income of the deceased at Rs.12,000/-.

2. Admittedly, the accident had happened on 28.06.2017. The deceased was an agriculturist. The claimants have filed documents to prove that the deceased was an agriculturist as well as milk vendor and also carrying on the business of supplying flowers. While that be so, this Court is of the considered view that fixing of monthly income of the deceased at Rs.12,000/- for an accident that happened in the year 2017, cannot be considered to be excessive.

3. The contention of the learned counsel for the appellant that even after the death of the deceased, his legal heirs have been earning income from and out of the agricultural activities and by selling flowers, and therefore, fixing of notional monthly income of the deceased at Rs.12,000/- is on the higher side, has to be rejected for the following reasons:-

(a) Any ordinary labourer in the year 2017 would have earned



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Rs.12,000/-, whether he was an agriculturist or engaged in any other employment; and

(b) Even a supervisor in an agricultural operation would have earned Rs.12,000/- in the year 2017.

4. For the reasons stated above, there is no merit in the appeal. Accordingly, Civil Miscellaneous Appeal is dismissed. The appellant Insurance Company is directed to deposit the entire award amount as awarded by the Tribunal to the credit of M.C.O.P.No.847 of 2017 on the file of Motor Accident Claims Tribunal, Special District Judge, Dharmapuri, less the amount already deposited if any, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit, the claimants are permitted to withdraw the entire award amount along with accrued interest therein, by moving appropriate application. No Costs. Consequently, connected CMP.No.4891 of 2020 is closed.

04.04.2024

Index: yes/no
Neutral citation: yes/no
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ABDUL QUDDHOSE,J.

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To

1. Special District Court,
(Motor Accident Claims Tribunal)
Thiruvallur.

C.M.A. No.777 of 2020

04.04.2024