



C.M.A.No.77 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2024

CORAM :

The Hon'ble Mr. Justice Krishnan Ramasamy

C.M.A.No.77 of 2024

and

C.M.P.No.591 of 2024

The Oriental Insurance Co. Ltd.,
City Branch 1 India Life Buildings,
Trichy Road,
Coimbatore.

... Appellant/Petitioner

Vs.

1. Minor Swapnalekha
2. Minor Srilekha
3. Bakthavatchalam
4. The Executive Officer,
Kuniamuthur Town Panchayat,
Kuniamuthur Post, Coimbatore,
Coimbatore District.
5. Murugan
6. Sundar
7. National Insurance Co.Ltd.,
Branch Office,
2 United Shopping Complex,
94/34, Dr.Nanjappa Road,
Coimbatore District.

... Respondents



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Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, 1988 against the award and decree dated 28.09.2005 made in M.C.O.P.No.1602 of 2001 on the file of the Motor Accident Claims Tribunal, Fast Track Court No.3, Dharapuram.

For Appellant : Mr.S.Arun Kumar
For R3 : Ms.G.Angujanani
for M/S.P.V.S.Giridhar &
Associates

JUDGEMENT

This Civil Miscellaneous Appeal has been filed by the appellant/Insurance Company, challenging the quantum of compensation of Rs.13,00,000/- awarded by the Motor Accidents Claims Tribunal in M.C.O.P.No.1602 of 2001 dated 28.09.2005.

2. On 17.01.2001, when the deceased was travelling as a pillion rider in a two wheeler bearing Reg.No.TN 37 B 4032, he was hit by a lorry, bearing Reg.No.37 T 2296, which came in a rash and negligent manner and dashed against the two wheeler, and due to the said accident, the deceased sustained grievous injury and died.



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3. The learned counsel for the appellant contended that based on Exhibit P10, the Tribunal came to the conclusion that the deceased would have earned Rs.15,969/- per month. Deducting the personal expenses of the deceased, and based on the take-home salary, the loss of income of the deceased was fixed at Rs.6,600/- per month. He pointed out that the said conclusion arrived at by the Tribunal is erroneous, and the same is liable to be set-aside.

4. This Court considered the submissions made by the learned counsel for the appellant and the learned counsel appearing on behalf of the third respondent and also perused the materials available on record.

5. On a perusal of the Tribunal's award, this Court is of the view that the Tribunal ought to have fixed the notional income of the deceased a bit higher and awarded just compensation. However, the Tribunal has awarded the total compensation of Rs.13,00,000/-, which is beneficial to the appellant/Insurance Company and no prejudice would be caused to the appellant. Infact, the quantum of compensation is not so excessive, in order to reduce the same as contended by the learned counsel for the



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appellant/Insurance Company. Since the compensation awarded by the Tribunal is just and fair, this Court does not find any infirmity in the said award and accordingly, the said award is confirmed.

6. In the result, the Civil Miscellaneous Appeal is dismissed. The appellant/Insurance Company is directed to deposit the award amount as determined by the Tribunal along with interest and costs, less the amount already deposited, if any, within a period of six (6) weeks from the date of a receipt of copy of this Judgment. Upon such deposit being made, the Tribunal is directed to transfer the entire amount to the respective bank accounts of the claimants, as per the proportion determined by the Tribunal, by way of RTGS, within a period of three weeks from the deposit or from the date of receipt of the Bank details obtained from the claimants or application for withdrawal from the claimants, whichever is later. No costs. Consequently, connected Miscellaneous Petition is closed.

19.01.2024

Index : Yes / No
NCC : Yes / No
jd



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1. The Motor Accident Claims Tribunal,
Fast Track Court No.3, Dharapuram.
2. The Section Officer,
V.R. Section,
High Court, Madras.



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Krishnan Ramasamy,J.,

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