



C.M.A.Nos.687 & 689 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2024

C O R A M

THE HON'BLE MR. JUSTICE **KRISHNAN RAMASAMY**

C.M.A.Nos.687 & 689 of 2022

The Branch Manager,
United India Insurance Co. Ltd.,
Branch Office, 111 Arjunaa Tower,
248/164, Cherry Road,
Salem 636 001.

...Appellant in both appeals

Vs

1.Sathya
2.Minor Kishore
3.Minor Dhileep
[2nd and 3rd respondent rep. by mother Sathya]
4.Kaveriyammal
5.G.Kanagaraj
6.N.Senthilnathan

... Respondents in C.M.A.No.687 of 2022

1.Thamarai
2.Minor Sarankumar
3.Minor Sathishkumar
[2nd and 3rd respondents rep by 1st respondent/mother]
4.G.Kanagaraj
5.N.Senthilnathan

...Respondents in C.M.A.No.689 of 2022



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Common Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgment and decree dated 24.10.2016 made in MCOP.Nos.386 and 387 of 2015 respectively on the file of the Motor Accident Claims Tribunal, Special District Court at Krishnagiri.

For Appellant : Mr.I.Malar

For Respondents : Mr.S.P.Yuvaraj,
for R1 to R4 in CMA.No.687 of 2022
for R1 to R3 in CMA.No.689 of 2022
No appearance
for R5 and R6 in CMA.No.687 of 2022
for R4 and R5 in CMA.No.689 of 2022

COMMON JUDGMENT

These appeals have been filed by the Insurance Company challenging the quantum of compensation awarded by the Tribunal.

2. The case of the appellant is that on 21.12.2014, while the deceased Senthil Kumar was proceeding in his two-wheeler bearing Registration No.TN-24-F-4747 with the deceased Shanmugam, a bus bearing Registration No.TN-



30-AQ-2889 came in a rash and negligent manner and dashed against the two-wheeler of the deceased. Due to the said accident, the aforesaid Senthil Kumar and Shanmugam died on the spot. Considering all the aspects, the Tribunal had awarded the compensation in the following manner:

Compensation awarded in CMA.No.687 of 2022:

<i>S.No</i>	<i>Particulars</i>	<i>Compensation (Rs.)</i>
1	Loss of earnings	14,68,800
2	Transport to hospital	5,000
3	Funeral Expenses	25,000
4	Loss of Consortium	1,50,000
5	Loss of Love and Affection	2,00,000
	Total	18,48,000

Compensation awarded in CMA.No.689 of 2022:

<i>S.No</i>	<i>Particulars</i>	<i>Compensation (Rs.)</i>
1	Loss of earnings	12,24,000
2	Transport to hospital	5,000
3	Funeral Expenses	25,000
4	Loss of Consortium	1,50,000
5	Loss of Love and Affection	2,00,000
	Total	16,04,000

3. At the time of argument, the learned counsel for the appellants in both the appeals would submit that in the present case, the entire amount awarded by



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the Tribunal has already been deposited and the same has been withdrawn.

Hence, he would request this Court to pass any appropriate order in accordance with law.

4. Heard the learned counsel for the appellants and also perused the materials available on record.

5. In the present case, considering the facts and circumstances, this Court is of the considered view that the Tribunal had rightly awarded the compensation. Therefore, since there is no merits in these appeals, this Court is inclined to confirm the award passed by the Tribunal.

6. Accordingly, the compensation awarded by the Tribunal stands confirmed. In the result, these appeals are dismissed. No cost.

12.01.2024

Index: Yes/No

Internet: Yes/No

Speaking order/Non-speaking order

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To:

The Motor Accident Claims Tribunal,
Special District Court, Krishnagiri.



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KRISHNAN RAMASAMY,J.

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