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C.M.A.No.197 of 202



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.02.2024

CORAM

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU**

**C.M.A.No.197 of 2024 &
CMP.No.2101 of 2024**

The New India Assurance Company Ltd.,
No.45, Moore Street,
Chennai – 600 001.

...Appellant

Versus

1.A.Revathi
2.Akshya (Minor)
Rep., by mother Mrs.Revathi
3.A.Rajalingam
4.R.Tamilarasi
5.Mrs.Shamshul Huda

...Respondents

PRAYER : The Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to set aside the decree and judgment dated 11.01.2013 made in MCOP No.4176 of 2008 on the file the Motor Accidents Claims Tribunal Chennai Chief Judge.

For Appellants : Mr.R.Neethi Perumal



J U D G M E N T

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This Civil Miscellaneous Appeal had been preferred against the award of the Motor Accident Claims Tribunal in MCOP No.4176 of 2008.

2.Heard Mr.R.Neethi Perumal, learned counsel appearing for the appellant.

3. The learned counsel appearing for the appellant would contend that the Tribunal had committed an error in arriving at the monthly income of the deceased to calculate the compensation. He would submit that there was no proof of salary of the deceased that had been produced by the claimants and in such circumstances, the Tribunal ought not to have come to a conclusion that the deceased would have been earning for a sum of Rs.6000/- per month. Therefore, he would submit that the said findings of the Tribunal deserves to be interfered with which would have an impact on the total compensation that had been arrived at by the Tribunal and therefore, he would seek interference of the award passed by the Tribunal.



4. We have heard the submission made by the learned counsel appearing for the appellant and perused the materials available on record.

5. It is the claim of the claimants that the deceased had been employed as an Electrician and had been working outside India for his livelihood. In support of such claim, the passport of the deceased and the entry permit issued by the United Arab Emirates had been marked as Ex.P.10 and Ex.P.11. Further the qualification of the deceased particularly his diploma certificate in Air Conditioning and Refrigeration and his qualification in Tamil and English typewriting and English Shorthand have also been marked before the Tribunal as Ex.P.12, Ex.P.14 to Ex.P.16. Only based upon these Exhibits, the Tribunal had come to a conclusion that the deceased would have been in continuous employment and that he would have earned a sum of Rs.6000/- per month.

6. From the aforesaid Exhibits, that had been relied upon by the Tribunal, which are not disputed by the appellant, it could be safely presumed that the deceased was a skilled labourer and therefore, there is no reason to interfere with the findings of the Tribunal with regard to the income of the deceased. In such circumstances, we do not find any infirmity or irregularity or error in the award impugned before us.



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7. In fine, the Civil Miscellaneous Appeal fails and the same is dismissed. However, there shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

(R.S.K.,J.)

(K.B., J.)

02.02.2024

Index: Yes/No

Speaking Order/Non Speaking Order

Neutral Citation:Yes/No

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1.Motor Accidents Claims Tribunal, Chennai Chief Judge.

2.The Section Officer

VR Section

High Court of Madras

Chennai – 600 104



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R.SURESH KUMAR., J.
and
K.KUMARESH BABU.,J.

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