



C.M.A.No.3756 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.M.A.No.3756 of 2019

And

C.M.P.Nos.21596 of 2019 and 17325 of 2024

The Divisional Manager,
National Insurance Company Limited
3rd Floor, 371A, Ramasamy Circle,
Mysore – 570 024.

... Appellant

Vs.

1.Subramani
2.Rangasamy
3.Saraswathi
4.Kalaiselvi
5.Ponnusamy
6.Sri Vatsan
7.Abdul Jaleel

... Respondents

Prayer:

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the decree and judgment passed in M.C.O.P.No.279 of 2012 dated 31.07.2017 (Sub-ordinate Judge Court) at Sathiyamangalam District and be pleased to dismiss the above claim.

For Appellant : Mr.J.Chandran

For Respondents : Mr.S.Parthasarathy for R1 to R4
R5 to R7 – Disd. vide order dt.19/12/23



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J U D G M E N T

The third respondent before the Motor Accidents Claims Tribunal is the appellant herein. This appeal has been filed against the judgment and decree dated 31.07.2017 passed by the Motor Accidents Claims Tribunal, Subordinate Court, Sathiyamangalam, in M.C.O.P. No.279 of 2012.

2.The learned counsel appearing for the appellant submitted that the claimants filed claim petition alleging that on 19.10.2009 at about 4.00 p.m., the deceased Krishnan was riding his bicycle from North to South at Sathiyamangalam to Gobichettipalayam Main Road near Rakkishwara Tractor Work Shop. At that time, the sixth respondent drove the TATA Indica Car DLS-II bearing Registration No.KA-09-P-5492 owned by the seventh respondent and insured with the appellant in a rash and negligent manner in the South to North direction and dashed against the bicycle, due to which the deceased lost his life. Thereafter the claimants filed filed claim petition before the Motor Accidents Claims Tribunal, claiming compensation of Rs.12 Lakhs and after adjudication, the Tribunal awarded a sum of Rs.7,69,203/- as compensation to the claimants along with interest at



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7.5% p.a. from the date of filing of the petition till 07.12.2012, thereafter from 13.08.2016 till the date of deposit with costs and directed the respondents 6, 7 and appellant to deposit the amount.

3.The learned counsel appearing for the appellant further submitted that though the claimants have marked relationship certificate, the Tribunal while awarding compensation observed that the claimants are the adopted brothers and sisters of the deceased and further submitted that only son and daughter could be adopted and not brothers and sisters and hence, the claimants are not the legal heirs of the deceased.

4.The learned counsel appearing for the claimants submitted that the Tribunal while passing the award inadvertently observed that the claimants are the adopted brothers and sisters of the deceased. The deceased Krishnan was a bachelor and the claimants are the brothers and sisters of the deceased and in order to prove the same, the claimants marked Ex.P6 – relationship certificate/ legal heir certificate before the Tribunal and hence, the claimants are the legal heirs of the deceased. Hence, the apprehension of the appellant is mis-conceived.



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5.Heard the arguments advanced on either side and perused the materials available on record.

6.The issue that arise for consideration in this appeal is whether the claimants are the legal heirs of the deceased. The deceased Krishnan was a bachelor and the claimants are the brothers and sisters of the deceased and inorder to prove the same, the claimants marked Ex.P6 – relationship certificate/ legal heir certificate before the Tribunal and hence, the claimants are the legal heirs of the deceased. Therefore, the apprehension of the appellant is mis-conceived.

7.The civil miscellaneous appeal is dismissed. The judgment and decree dated 31.07.2017 passed by the Motor Accidents Claims Tribunal, Subordinate Court, Sathiyamangalam, in M.C.O.P. No.279 of 2012, is confirmed. No costs. Consequently, the connected miscellaneous petitions are closed.

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

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To

1. The Motor Accidents Claims Tribunal,
Subordinate Court, Sathiyamangalam.

M.DHANDAPANI,J.
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