



C.M.A.No.162 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2024

C O R A M

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

C.M.A.No.162 of 2024
& CMP.No.1595 of 2024

M/s.SBI General Insurance Company Limited,
'Greens Dugar', Ground Floor,
No.64, Greens Road,
Chennai 600 006.

...Appellant

Vs

1.K.Taj Nisha
2.N.Abudahir
3.N.Fathima
4.B.Fathima
5.Chand Pasha

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the decree and judgement dated 29.01.2018 passed in MCOP.No.173 of 2013 by the Motor Accident Claims Tribunal, Sub Court, Satyamangalam.

For Appellant : Mr.J.Michael Visuvasam

For Respondents : Mr.R.Nalliyappan for R1 to R3



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JUDGMENT

This civil miscellaneous appeal has been filed to set aside the judgement dated 29.01.2018 in MCOP.No.173 of 2013.

2. The learned counsel for the appellants would submit that on 24.03.2013, while one Naser was travelling in a car bearing Registration No.TN 37 BT 5931 with his friend at Pollachi-Kovai Main Road, a lorry bearing Registration No.KA 05 AB 2015 came in a rash and negligent manner and dashed against the aforesaid car, due to which the said Naser was died on the spot. Considering all the aspects the Tribunal had awarded the following compensation:

<i>S.No</i>	<i>Particulars</i>	<i>Compensation (Rs.)</i>
1	Loss of Income	10,40,000
2	Loss of Consortium	40,000
3	Loss of Love and Affection	80,000
4	Rent of the Car	4,000
5	Funeral Expenses	15,000
6	Loss of Estate	15,000
	Total	11,94,000



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3. By referring the above compensation, he would request this Court to re-determine the compensation awarded towards loss of income, which is on higher side.

4. In reply, the learned counsel for the respondents would submit that considering the year of the accident and age of the deceased, the Tribunal has rightly awarded the compensation and hence, he requests this Court to confirm the same.

5. Heard the learned counsel for the appellant and the respondents also perused the materials available on record.

6. In the present case, since the accident was took place in the year 2013 and the age of the deceased at the time of accident was about 50 years, the compensation awarded by the Tribunal, towards loss of income by fixing a sum of Rs.8,000/- as notional income, appears to be just and reasonable. Hence, the same stands confirmed.



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7. In view of the above, since there is no merits in the present appeal, this Court is inclined to confirm the compensation awarded by the Tribunal.

8. In the result, this Civil Miscellaneous Appeal is dismissed and the appellant/insurance company is directed to deposit the compensation along with interest and costs, less the amount already deposited, if any, within a period of 6 weeks from the date of receipt of a copy of this judgment, to the credit of MCOP.No.173 of 2013 on the file of the Motor Accidents Claims Tribunal, Sub Court, Satyamangalam. Thereafter, the Tribunal is directed to immediately transfer the entire amount to the respective bank accounts of the claimants by way of RTGS, within a period of 3 weeks from the date of deposit and from the date of receipt of the Bank details obtained for the claimants or application for withdrawal from the claimants, whichever is earlier. No costs. Consequently, the connected miscellaneous petition is also closed.

30.01.2024

Index: Yes/No
Internet: Yes/No
Speaking order/Non-speaking order
nsa



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To:
The Motor Accident Claims Tribunal,
Sub Court, Satyamangalam.



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KRISHNAN RAMASAMY,J.

nsa

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