



Civil Miscellaneous Appeal No.2483 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Civil Miscellaneous Appeal No.2483 of 2022

and

C.M.P.No.19349 of 2022

The Divisional Manager,
United India Insurance Co. Ltd.,
Divisional office, Denkanikottai Road,
Opp. to Railway Station,
Hosur -635 109.

... Appellant

Vs.

1.Pappamma
W/o.Late Marappa

2.Ramdoss
S/o.Late Marappa

3.Prakash
S/o.Late Marappa

4.Rajkumar
S/o.Late Marappa

5.Nagaraj
S/o.Late Marappa

6.Mamtha
D/o.Late Marappa

7.A.Rathna
W/o.Anjappa

... Respondents



Civil Miscellaneous Appeal No.2483 of 2022

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed in M.C.O.P.No.12 of 2015 dated 21.11.2017 by the Motor Accident Claims Tribunal, Additional District Judge, Hosur District.

For Appellant : Mr.J.Chandran

For Respondents : Mr.S.P.Yuaraj [R1 to R6]

JUDGMENT

The appellant insurance company, questioning the quantum of compensation fixed by the Tribunal, has filed this appeal against the award passed in M.C.O.P.No.12 of 2015 dated 21.11.2017 by the Motor Accident Claims Tribunal, Additional District Judge, Hosur District.

2. Heard Mr.J.Chandran, learned counsel for appellant insurance company and Mr.S.P.Yuaraj, learned counsel for respondents 1 to 6.

3. The main ground of challenge was with regard to the age of the deceased that was fixed by the Tribunal at 60 years based on the postmortem certificate. It was contended that the ration card which was marked as Ex.R1 shows that the actual age of the deceased was 68 years.



Civil Miscellaneous Appeal No.2483 of 2022

Hence, it was contended that the Tribunal ought to have fixed the age of the deceased at 68 years and applied the multiplier accordingly.

4. The Tribunal has dealt with this issue and proceeded to fix the age of the deceased by relying upon the postmortem certificate. This Court does not find any ground to interfere with the same. This Court finds that the Tribunal has awarded proper compensation in this case and there are no merits in this appeal.

5. It is made clear that the Tribunal has already applied the pay and recover principle and hence, it is left open to the appellant insurance company to pay the compensation and recover the same from the seventh respondent.

In the result, this Civil Miscellaneous is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

18.04.2024

Speaking Judgment/Non-speaking Judgment

Index : Yes/No

Neutral citation: Yes/No

gm



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Civil Miscellaneous Appeal No.2483 of 2022

N.ANAND VENKATESH, J.

gm

To

The Motor Accident Claims Tribunal,
Additional District Judge,
Hosur District.

Civil Miscellaneous Appeal No.2483 of 2022

18.04.2024