



C.M.A(MD)No.453 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.03.2024**

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.453 of 2023

1.Subha Lakshmi

2. Minor Jefrin

3. Panner

4. Vallithai

(Minor appellant represented through his
mother and next gaurdian 1st appellant)

... Appellants

Vs.

1. Vikas Gupta

2. The United India Insurance Company Ltd.,
through its Branch Manager,
Number 24, Whites Road,
Chennai - 6000014.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, to allow this appeal and enhance the award amount in M.C.O.P.No.89 of 2015 on the file of the Motor Accident



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Claims Tribunal (Special Sub Judge), Tirunelveli, dated 28.04.2021.

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For Appellant : Mr.T.Selvakumaran
For R-1 : Mr.R.Rameez
For R-2 : Mr.C.Jawahar Ravindran

JUDGEMENT

This civil miscellaneous appeal was preferred by the claimants.

2.It is the case of fatal. The contention of the claimant is that the accident took place in the year 2009. However, the claim petition was heard in the year 2019 and the co-worker had made a submission before the Court that if the deceased was alive, he would have been promoted as Head Constable and his salary would be more than Rs.65,000/-. Based on this deposition alone, the present appeal is preferred.

3.The contention of the claimants cannot be accepted, since the Tribunal has already taken 50% of future prospects. When the future



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prospects is already granted, the future promotion and salary to the promoted post cannot be claimed again, that too based on the deposition of co-worker. The claimants had filed this appeal on a wrong perception.

4. Hence, this civil miscellaneous appeal cannot be entertained and the same is dismissed by confirming the order of the Tribunal.

25.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
jbr

To

1. The United India Insurance Company Ltd.,
through its Branch Manager,
Number 24, Whites Road,
Chennai - 6000014.
2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

jbr

Order made in
C.M.A(MD)No.453 of 2023

25.03.2024