



C.M.A(MD)No.604 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.03.2024**

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THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.604 of 2021

and

C.M.P.(MD)No.5861 of 2021

The Divisional Manager,
United India Insurance Company Limited,
Divisional Office,
Braminant Road,
Cantonment,
Tiruchirappalli District. ... Appellant/2nd Respondent

Vs.

1.Minor Varshin
2.Durga Devi
3.Dhanalakshmi @ Rajamani ... Respondents 1 to 3/Petitioners
4.S.Vinayaka Blue Metal ... 4th Respondent/1st Respondent
5.Makesh Kumar ... 5th Respondent/3rd Respondent
6.The Divisional Manager,
National Insurance Company,
Braminant Road,
Cantonment,
Tiruchirappalli District. ... 6th Respondent/4th Respondent

(1st Respondent represented by second respondent/mother)
(Respondents 4 & 5 remained exparte)



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PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, against the order and decree dated 27.11.2020 passed in M.C.O.P.No.1820 of 2014 on the file of the Motor Accidents Claims Tribunal (Special District Court for M.C.O.P cases) Tiruchirappalli.

For Appellant : Mr.A.Shajahan
For Respondents : Mr.N.Sudhagar Nagaraj
for R.1 to R.3
: Mr.S.Srinivasa Raghavan
for R.6
: Exparte
for R.4 & R.5

JUDGEMENT

This appeal is filed by the Insurance Company against the order passed by the Tribunal.

2. The contention of the Insurance Company is that the claimants have submitted the medical bill after 2 years from the date of the death of the person and the same cannot be accepted. It is seen that the accident occurred on 24.09.2014 and the deceased was admitted in the hospital as inpatient on 04.10.2014. The medical bills were not proved through the appropriate persons who had issued the bills. But the fact remains that



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the deceased was treated as inpatient. Hence in order to meet the ends of justice, this Court modifies the award amount under the head of medical expenses from Rs.5,30,700/- to Rs.2,65,350/-.

3. The modified award amount is as under:

Sl. No.	Head of Compensation	Award granted by the Tribunal	Modified award granted by this Court
1.	Loss of Dependency	Rs.11,89,932/-	Rs.11,89,932/- (confirmed)
2.	Transportation	Rs.7,000/-	Rs.7,000/- (confirmed)
3.	Loss of Consortium	Rs.35,000/-	Rs.35,000/- (confirmed)
4.	Parental Consortium	Rs.35,000/-	Rs.35,000/- (confirmed)
5.	Filial Consortium	Rs.30,000/-	Rs.30,000/- (confirmed)
6.	Medical Expenses	Rs.5,30,000/-	Rs.2,65,350/- (reduced)
7.	Funeral Expenses	Rs.10,000/-	Rs.10,000/- (confirmed)
8.	Loss of Estate	Rs.10,000/-	Rs.10,000/- (confirmed)
Total compensation granted by this Court		Rs.18,52,632/-	Total = Rs. 15,82,282/- (reduced)



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4.The appellant/Insurance Company shall deposit Rs.15,82,282/- (Rupees Fifteen Lakh Eighty Two Thousand Two Hundred and Eighty Two only) and costs to the credit of M.C.O.P., on the file of claims Tribunal, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this judgment. On such deposit, the claimants are permitted to withdraw their shares (claimants 1 to 3 are entitled to Rs.5,00,000/-, Rs.8,82,282/- and Rs.2,00,000/ respectively) with proportionate costs, less the amount already withdrawn by them, if any, by filing appropriate application before the Tribunal. The Tribunal is directed to deposit the shares of the minor children in a nationalized bank until the children attains majority. The second respondent herein, who is the mother/guardian, is permitted to withdraw the interest amount once in three months. Once the minor claimant attains majority, she is permitted to withdraw her shares with accrued interests.

5.With the above said modification, this Civil Miscellaneous



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Petition is party allowed. No costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Motor Accidents Claims Tribunal
(Special District Court for M.C.O.P cases),
Tiruchirappalli.
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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Order made in
C.M.A(MD)No.604 of 2021

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