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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.1044 of 2021

The Divisional Manager,
The Oriental Insurance Company Limited,
1st Floor, Layola Building,
Salai Road, Dindigul - 624001. ... Appellant

Vs.

1. K.Indira
2. K. Ganeshpandi
3. K. Sivapandian
4. K. Arunpandi
5. V. Saktheeswaran, ... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, To set aside the order of the Motor Accident Claims Tribunal cum Additional District Court, Dindigul made in M.C.O.P. No. 96/2016, dated 05.04.2021 and allow the appeal with costs.

For Appellant : M/s.Jawahar Ravindran

For R1 to R-4 : Mr.V.P.Rajan



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JUDGEMENT

The Insurance Company has preferred this Appeal to set aside the order of the Motor Accident Claims Tribunal cum Additional District Court, Dindigul made in M.C.O.P. No. 96/2016, dated 05.04.2021.

2. It is a case of fatal. The only contention that was raised by the Insurance company is that the salary was taken by the Tribunal as Rs.19,999/- by relying on the salary slip that was produced by the claimants. The claimants have not produced pass book and other evidence to prove the salary of the deceased. Simply by relying on one month salary slip, the income of the deceased cannot be fixed as Rs.19,000/-.

3. On perusing the salary slip, it is seen that the claimants have availed two loans and the same were repaid and also there was other standard deductions in the salary. It is further seen that after deductions the deceased was receiving a sum of Rs.10,151/-. The appropriate salary would be around Rs. 20,000/- for any Government servants. The Tribunal has rightly fixed the salary of the deceased as Rs.19,000/-. There is no contra evidence to prove the deceased was receiving less salary.



4. Accordingly, this Civil Miscellaneous Appeal stands dismissed.

The Insurance company is directed to deposit the compensation of Rs.22,20,216/-with 7.5% interest along with costs, within a period of Eight weeks from the date of receipt of a copy of the order, less the amount already deposited, if any. On such deposit being made, the claimants are permitted to withdraw the same, as apportioned by the Tribunal. No Costs.

13.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
KSA

To

1. The Motor Accident Claims Tribunal cum
Additional District Court,
Dindigul.
2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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**Judgment made in
C.M.A(MD)No.1044 of 2021**

13.02.2024