

C.M.A.(MD) No.1626 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2025

CORAM:

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

C.M.A.(MD)No.1626 of 2024
and C.M.P(MD)No.17293 of 2024

Assistant Executive Engineer,
Sub Division No.1,
Public Works Department,
Collectorate Post,
Ramanathapuram.

...Appellant

vs.

1. Radha
2. Geetha
3. Usha

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, to to set aside the order passed in M.C.O.P.No.16 of 2022 dated 06.03.2023 on the file of Motor Accident Claims Tribunal / Additional District Court, Ramanathapuram by allowing this appeal.

For appellant : Mr.B.Saravanan
Additional Government Pleader

For Respondents : Mr.S.A.Ajmal khan



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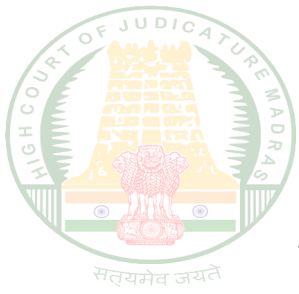
J U D G M E N T

This civil miscellaneous appeal has been preferred by the respondent against the award dated 06.03.2023 passed in M.C.O.P.No. 16 of 2022 by the Motor Accident Claims Tribunal / Additional District Court, Ramanathapuram on quantum and as regards the negligence issue.

2. Heard the arguments of Mr.B.Saravanan, learned Additional Government Pleader appearing for the appellant and Mr.S.A.Ajmal Khan, learned counsel appearing for the respondents.

3. The claim petition was filed under Section 166 of the Motor Vehicles Act, 1988 by the daughters of Marungappan, claiming compensation of Rs.15,00,000/- for the death of the said person on account of the road traffic accident that occurred on 16.06.2021.

4. Upon consideration, the Tribunal fastened the entire liability upon the respondent who is the owner of the vehicle (TN-65-G-0632 / Jeep) and the award was passed for a sum of Rs.13,26,600/-.



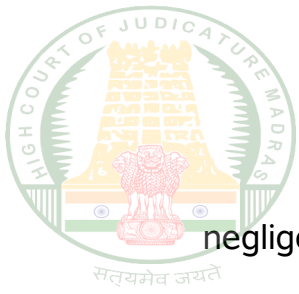
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5. It is the evidence of ocular witness P.W2 - Selvam that on 16.06.2021 at about 3.00 p.m., while the deceased Marungappan was riding his two wheeler TVS XL (TN-65-R-7179) from Rameswaram to Ramanathapuram N.H.Road from west to east direction along the left side of the road near Servaikaran Oorani, the driver of Government Mahindra Jeep bearing registration No. TN-65-G-0632 belongs to the respondent came in a rash and negligent manner and hit against the two wheeler of Marungappan and he sustained serious injuries.

6. It is also learnt that soon after the accident, he was taken to Ramanathapuram Government Hospital and thereafter, he was taken to Madurai Government Hospital on 18.06.2021 and succumbed to the injuries on the next day.

7. R.W.2 - Driver of the Government Jeep would state that because of the rash and negligent driving of the deceased only the accident happened and he drove the jeep carefully and in a moderate speed.

8. More so, F.I.R was registered against the driver of the jeep. By analysing the evidence of ocular witnesses, namely P.W2 and R.W2, the Tribunal has concluded that the accident happened due to the rash and



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negligent driving of the driver of the Government Jeep as mentioned supra. This Court does not find any good reasons to upset the said finding of the learned Tribunal and the said finding does not suffer from any infirmity or perversity.

9. As per the evidence of P.W.1 - Radha, the deceased was a fisherman and earning a sum of Rs.20,000/- per month and Ex.P9 is the Fisherman Identity Card of the deceased. As per Ex.P12 - Postmortem Certificate and Ex.P8 - Passport of the deceased, the age of the deceased is fixed as 53 years. The Tribunal has fixed the notional income of deceased at Rs.12,000/- per month. As per the law laid down by the Hon'ble Supreme Court in *National Insurance Co. Ltd., vs. Pranay Sethi and others* reported in 2017 (2) TN MAC 609 (SC), for the age group of persons 50-60 years, 10% has to be added as future prospects. The claimants are three in number and as per the above said judgment, 1/3rd has been deducted for personal and living expenses and the relevant multiplier to be adopted is '11'. This Court does not find any valid reason to disturb the finding of the learned Tribunal as to the quantum arrived by the Tribunal. As regards the other heads, the amounts awarded by the Tribunal appears to be reasonable and acceptable and hence, it needs no interference.



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10. Based on the aforesaid discussions and observations, this Civil

Miscellaneous Appeal stands dismissed. No costs. Consequently,
connected Civil Miscellaneous Petition stands closed.

26.02.2025

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

1. The Motor Accident Claims Tribunal,
Additional District Court, Ramanathapuram

2.The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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R.KALAIMATHI,J.,

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