

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN
and
THE HONOURABLE MR.JUSTICE T.MATHIVANAN

C.M.A.No.1248 of 2015
and M.P.No.1 of 2015

M/s.Royal Sundaram Alliance Insurance Co.Ltd.,
Sundaram Towers
No.46, Whites Road
Chennai-600 014
Chennai

...Appellant/2nd Respondent

-Vs-

1.M.Chithra
2.M.Renuka (Minor)
3.Tharunia (Minor)
(Respondents 2 and 3 Minors
rep. By Mother & Next Friend R-1)
4.P.Karuppanna Nadar
5.K.Ashok Kumar
6.M.Poongan

..Respondents/Petitioners
Ist Respondent

C.M.A., filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree in M.C.O.P.No.56 of 2011, dated 08.12.2014 on the file of the Motor Accident Claims Tribunal, Additional District Court No.3, Dharapuram.

For appellant : Mr.N.Vijayaraghavan.

JUDGMENT

(Judgment of the Court was delivered by V.RAMASUBRAMANIAN, J.)

The Insurance Company has come up with the above appeal challenging an Award of the Motor Accident Claims Tribunal.

2. Heard Mr.N.Vijayaraghavan, learned counsel for the appellant.

3. One Mr.Manokaran, the husband of the first respondent herein and the father of the respondents 2 and 3, died in a road traffic accident that happened on 10.12.2010. The respondents filed a claim petition in M.C.O.P.No.56 of 2011. The Tribunal awarded a compensation of Rs.14,39,000/-. Aggrieved by the Award, the

Insurance Company is on appeal.

4. The deceased was employed in the Tamil Nadu News Prints and Papers Limited, earning a monthly salary of Rs.15,000/-. He was aged 39 years. The accident occurred when the motor cycle which the deceased was driving was hit by a lorry which was insured with the appellant Company. On the basis of the evidence of witnesses and on the basis of Exhibits P.1 to P.3, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving on the part of the driver of the Lorry. This finding, in our considered view, does not call for any interference.

5. The fact that the deceased was employed in Tamil Nadu Papers Limited, Pugalur and that he was earning Rs.7,744/-, was borne out by Ex.P.18 and the evidence of P.W.3. Therefore, the Tribunal added 30% towards future prospects and arrived at the loss of income as Rs.10,067/- and after deducting 1/4th of the amount towards personal expenses, the Tribunal fixed Rs.7,550/- as loss of monthly income. After applying the multiplier of 15, as per the decision in Sarala Verma, the Tribunal arrived at the compensation of Rs.13,59,000/-.

6. None of the parameters adopted by the Tribunal, can be said to be wrong. The Tribunal awarded only Rs.40,000/- towards consortium and Rs.30,000/- towards loss of love and affection and a sum of Rs.10,000/- towards funeral expenses. All these are very very conservative and not warranting any interference. In view of the above we find no justification to entertain the appeal. Hence, the Civil Miscellaneous Appeal is dismissed. It will be open to the Insurance company to find out the Account Number and the Bank in which the claimants have account and make an electronic transfer of the amount to the Savings Bank account of the claimant, so that the entire money reaches the claimants. The share of the minors shall be invested in a Fixed Deposit for a period upto the date of their attaining majority. The interest is permitted to be withdrawn by the mother. The amount shall be shared in the same proportion, in which the Tribunal has ordered the same. No costs. Connected MP is closed.

-s/d-

Assistant Registrar

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Sub-Assistant Registrar

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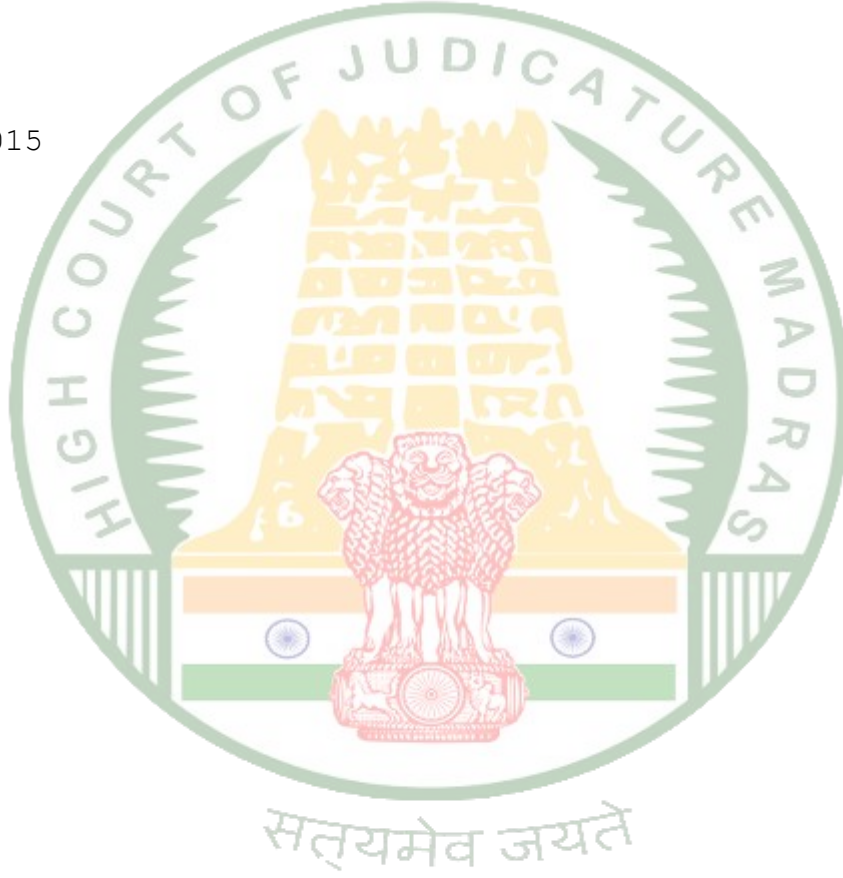
To

The Motor Accident Claims Tribunal,
Additional District Court No.3, Dharapuram.

+1 cc to Mr.M.B.Gopalan, Advocate sr.no.33555

C.M.A.No.1248 of 2015

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