IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

C.M.A. No. 182 of 2015
&
M.P. No. 1 of 2015

M/s. National Insurance Company Limited,
Division No.III,
No. 751, 2nd Floor,
Anna Salai,
Chennai - 600 002. ...Appellant/2nd Respondent

Vs.

1. K. Shankari
2. K. Gayathri
3. K. Umamaheswari
4. Dhanalakshmi

5. DMI College of Engineering,
Navalurkuppam, Palanchur,
Nazarathpet Post,
Kancheepuram District,
Pincode - 602 103. ...Respondent/Petitioner 1 to 4
& 5th Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, as against the judgment and decree dated 11.08.2014 passed in M.C.O.P. No. 612 of 2012 by the Motor Accidents Claims Tribunal (II Judge, Court of Small Causes), Chennai.

For Appellant : Mrs. R. Srividhya for
Mr.R. Ravichandran

For Respondents : Mr.M. Maruthupandiyan for R1 to R4

J U D G M E N T

This Civil Miscellaneous Appeal has been preferred by the Insurance Company as against the award of Rs.18,15,930/- for the death of one R. Kannan, aged about 54 years, working as Supervisor in a private company, earning about Rs.16,070/- in the accident, which occurred on 10.09.2007.

2. Heard Mrs.R. Sreevidhya, learned counsel for the appellant and Mr.M. Maruthupandiyan, learned counsel for respondents 1 to 4/ claimants.

3. The learned counsel for the appellant would submit that the Tribunal, without applying split multiplier, went by II Schedule of the Motor Vehicles Act and adopted multiplier 11, while calculating loss of income and therefore, she seeks adoption of split multiplier.

4. However, the issue regarding adoption of split multiplier has been settled by the Honourable Apex Court in judgments rendered in New India Assurance Company Limited V. Shanti Bopanna and others reported in 2014 ACJ 219, Puttamma and others V. K.L. Narayana Reddy and another reported in 2014 ACJ 526 and K.R. Madhusudhan V. Administrative Officer reported in 2011 ACJ 743 (SC) wherein it has been held that multiplier should be adopted as per II Schedule. Therefore, in view of the pronouncement of the Honourable Apex Court in the aforecited cases, there is no need to follow split multiplier method. Accordingly, multiplier 11 adopted by the Tribunal, following the judgment of the Honourable Apex Court in Sarla Verma's case (2009 (2) TN MAC 1 (SC)) is justified and "Loss of Income" awarded by the Tribunal to the tune of Rs.15,90,930/- ((Rs.16,070 - ¼ (Rs.16,070)) x 12 x 11) is justified. The amounts awarded by the Tribunal under the other conventional heads are reasonable and they are confirmed. So also, the rate of interest awarded by the Tribunal at 7.5% per annum. Hence, the Civil Miscellaneous Appeal is dismissed. No costs. Connected M.P. Is closed.

5. The appellant is directed to deposit the entire amount, with interest and costs, before the Tribunal, within a period of six weeks from the date of receipt of a copy of this order. On such deposit being made, the claimants are permitted to withdraw their respective shares, as per the ratio fixed by the Tribunal.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nv

To

The MACT (II Judge, SCC),
Chennai.

1 CC to Mr.R. Ravichandran, Advocate SR.No. 4977

1 CC to Mr.M. Maruthupandiyan, Advocate SR.No. 4730

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and M.P.No.1 of 2015

UG (CO)
PSI (24.02.2015)