

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR

and

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

C.M.A.No.2304 of 2015

and

M.P.No.1 of 2015

M/s.Royal Sundaram Alliance Insurance Co. Ltd.,  
No.21, Pattallos Road,  
Chennai - 2

Appellant/2nd Respondent

versus

1. V.Ponnamma

2. V.Lakshmi

3. Y.Venu Naidu

Respondents 1&2/Petitioners

3rd Respondent/1st Respondent

Prayer: Civil Miscellaneous Appeal is filed, against the judgment and decree in M.C.O.P.No.4904 of 2012, dated 28.04.2015, on the file of the Motor Accident Claims Tribunal, [IV Judge, Court of Small Causes], Chennai.

For Appellant : Mr.N.Vijayaraghavan

For Caveators : Mr.K.Malaikkannu

JUDGMENT

(Judgement of the Court was made by S.MANIKUMAR ,J.)

Being aggrieved by the quantum of compensation of Rs.13,97,000/- with interest, at the rate of 7.5% per annum from the date of claim till deposit, awarded to the mother and sister of the deceased in MCOP No.4904 of 2012 dated 28.04.2015 on the file of the Motor Accident Claims Tribunal (IV Judge, Court of Small Causes), Chennai, M/s. Royal Sundaram Alliance Insurance Company Limited, Chennai, has preferred this appeal and their only challenge in this appeal is that the quantum of compensation of Rs.4,00,000/- awarded under the head loss of love and affection to the mother and sister, is excessive.

2. Mr.K.Malaikkannu, learned counsel appearing for the caveator / claimants, consented that a sum of Rs.2,00,000/- can be reduced from the abovesaid head. Submission of the learned counsel is placed on record.

3. Though, before the claims tribunal, a sum of Rs.10,000/- and Rs.5,000/- are claimed towards transportation and conventional damages to clothes and articles including a

mobile phone, respectively, there is no award under the said heads. Therefore, a sum of Rs.10,000/- is awarded for transportation and for conventional damages, Rs.3,000/- is awarded.

4. In the light of the above submission and reworking, the compensation due and payable to the mother and sister of the deceased works out to Rs.12,10,000/-, with interest at the rate of 7.5% per annum from the date of claim till deposit. The compensation now determined is apportioned in the ratio 60:40 to the mother and sister, respectively.

5. Consequent to the reduction, the appellant-Insurance Company is directed to deposit Rs.12,10,000/- with interest at the rate of 7.5% per annum from the date of claim till the date of realisation and costs, less the amount already deposited, if any, to the credit of M.C.O.P.No.4904 of 2012, on the file of the Motor Accidents Claims Tribunal (IV Judge, Small Causes Court), Chennai, within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, the respondents/claimants are permitted to withdraw their share, as apportioned now i.e. at the ratio of 60:40 to the mother and sister, respectively, by making necessary applications before the Tribunal. The Civil Miscellaneous Appeal is partly allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Asst.Registrar

/true copy/

Sub Asst. Registrar

ars

To

The Motor Accident Claims Tribunal,  
IV Judge, Court of Small Causes, Chennai.

+1 cc to M/s.M.B.Gopalan, Advocate, sr.56615  
+1 cc to M/s.K.Malarkkannan, Advocate, sr.55893

C.M.A.No.2304 of 2015

rsi co  
kra 05/11/2015