

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

C.M.A.NO.244 of 2015

and

M.P.No.1 of 2015

M/s.Reliance General Insurance Co. Ltd.,
Reliance House, 6th Floor,
No.6, Haddows Road,
Nungambakkam,
Chennai - 600 006. Appellant/2nd Respondent

Vs.

1.A.Latha
2.D.Anthony Raj ... Respondents 1&2/Claimants
3.M.Meganathan ... 3rd Respondent/1st Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the decree and judgment dated 18.07.2014 made in M.C.O.P.No.4260 of 2012 on the file of Motor Accident Claims Tribunal, (II Court of Small Causes), Chennai.

For Appellant : Mrs.Harini for
M/s.M.B.Gopalan

For Respondents : Ms.Salomi
for caveator

JUDGMENT

This appeal has been preferred by the Insurance Company, against the award of Rs.11,97,000/-, for the death of one A.Praveen Kumar, aged about 25 years, a sales man, in the accident, which occurred on 17.01.2012.

2. Heard the learned counsel appearing for the appellant and the learned counsel appearing for the respondents/claimants.

3. Since the appeal has been preferred only on the question of quantum, the other issue is not gone into.

4. The Tribunal had taken the monthly income at Rs.6,000/- for the deceased and determined the loss of income, after deducting 50%

and applying multiplier 18, awarded loss of income at Rs.9,72,000/-. However, the monthly income of Rs.6,000/- determined by the Tribunal in the absence of any proof is on the higher side and therefore, this Court re-determines the monthly income at Rs.5,000/-. As per the judgment of the Honourable Supreme Court in Sarla Verma and others Vs. Delhi Transport Corporation and another reported in 2009 (2) TN MAC 1, the persons, who are aged about 25 years, are entitled to get 50% towards future prospects. If 50% is added, the monthly income would be Rs.7,500/- (5,000/- + 2,500/- = Rs.7,500/-). Since the deceased was a bachelor, 50% is required to be deducted towards personal expenses and after deducting 50%, the loss of income would be Rs.3,750/- (7500 - 50% = Rs.3,750/-).

5. The age of the deceased was 25 years, the appropriate multiplier is 18 and thus, loss of income is determined as follows:-

$$5000/- \times 50\% - 50\% \times 12 \times 18 = \text{Rs.}8,10,000/-.$$

6. Since the deceased was a bachelor and only the parents are the dependents and he happened to be the only son of the parents, Rs.1,50,000/- is awarded towards loss of love and affection, instead of Rs.2,00,000/- as awarded by the Tribunal. Rs.25,000/- was awarded by the Tribunal towards funeral expenses is reduced to Rs.20,000/-. The Tribunal has not awarded any amount towards transportation and therefore a sum of Rs.20,000/- is awarded towards transportation. The award amount of Rs.11,97,000/- is reduced to Rs.10,00,000/-. The rate of interest at 7.5% awarded by the Tribunal remains unaltered.

7. The appellant Insurance Company is directed to deposit the entire amount along with interest and costs as per the modified award passed by this Court, within a period of four weeks from the date of receipt of a copy of this order. On such deposit, the Tribunal is directed to deposit 50% of the amount in an interest bearing fixed deposit with Indian Bank, High Court Branch, Madras-104 at least for a period of three years. The balance 50% of the amount is to be withdrawn by the respondents 1 & 2/claimants equally within one week thereafter.

8. In view of the above, the civil miscellaneous appeal is partly allowed. No cost. Consequently, connected M.P. is closed.

Sd/-
Deputy Registrar
Dated:20.3.15

True Copy

Sub Assistant Registrar

To

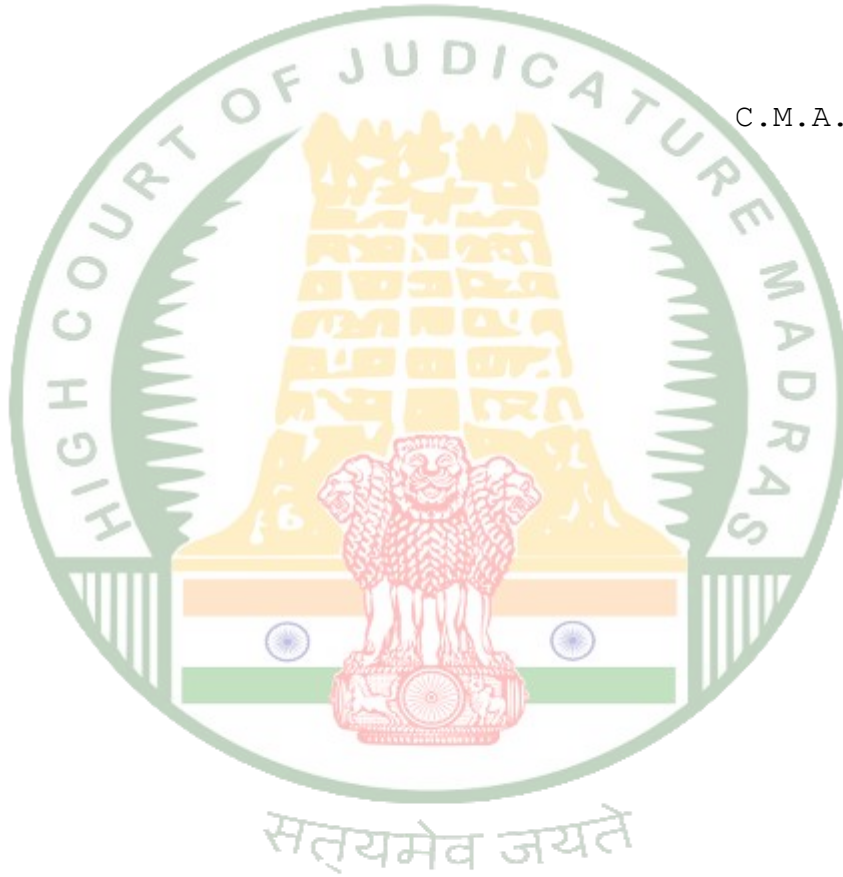
The Motor Accident Claims Tribunal,
(II Court of Small Causes),
Chennai.

+1 cc to Mr.M.B.Gopalan, Advocate,SR.10315

+1 cc to Ms.A.Salomi, Advocate,SR.10396.

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krd 20/3

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