

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2015

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

C.M.A. No. 316 of 2015

&

M.P. No. 1 of 2015

M/s. Reliance General Insurance Co. Ltd.,
The Regional Office, (Legal Department),
Reliance House, 6th Floor,
No.6, Haddows Road,
Nungambakkam,
Chennai - 600 034.

....Appellant/2nd Respondent

Vs.

T.P. Sakthivel (deceased)

1. S. Prema @ Premavathi
2. T.S. Sudhandiran
3. T.S. Ramesh
4. T.S. Manikandan
5. M. Gangalakshmi
6. S. Karpagam
7. N. Durgalakshmi Nayakar
8. S. Arul Mozhi

....Respondents/Petitioner 1 to 7/
1st Respondent

Prayer: Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act, 1988 as against the judgment and decree dated 19.02.2014 passed in M.C.O.P. No. 3954 of 2010 by the Motor Accidents Claims Tribunal (V Court of Small Causes), Chennai.

For Appellant : Mr.N. Vijayaraghavan

For Respondents : Ms.T. Salim Fathima

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.3,70,000/- for the death of one T.P. Sakthivel, aged about 82 years, Cinema and TV artist, alleged to be earning about Rs.10,000/- to 12,000/- per month, in the accident, which occurred on 28.05.2010.

2. Heard Mr.N.Vijayaraghavan, learned counsel for the appellant and Ms.T. Salim Fathima, learned counsel for respondents 1 to 7.

3. The only question to be gone into, is with regard to the quantum of compensation awarded by the Tribunal.

4. The accident in question occurred on 28.05.2010. Initially, the victim was admitted in Government Hospital, Ulundurpet and later, he was shifted to Apollo Hospital, wherein he was treated as in-patient from 28.05.2010 to 31.05.2010. Thereafter, he took treatment as an out patient and due to the injuries caused in the accident, he died after the filing of the claim petition, on 08.03.2011. Taking into consideration, the injuries caused, namely, severe internal injury in the chest, abdomen and skull, that too, in the advanced age of 82 years, it is evident that the victim died only due to the injuries on 08.03.2011.

4. Though it was claimed that the deceased, who was a Cinema and TV Artist and was also doing dubbing, was earning Rs.10,000/- to Rs.12,000/- per month, in the absence of any supporting evidence, the Tribunal rightly determined Rs.5000/- as the monthly income of the deceased. Based on the size of the family, one-fifth deduction was made by the Tribunal towards "Personal Expenses" and considering the age of the victim, namely, 82 years, multiplier 5 was adopted and "Loss of Income" was arrived at as follows:

Loss of Income :: (Rs.5000/- (-) 1/5 (5000/-)) x 12 x 5
:: Rs.4000 x 12 x 5
:: Rs.2,40,000/-

The 1st respondent/wife was granted Rs.50,000/- towards "Loss of Consortium", which is very reasonable and the same is confirmed. Likewise, the sum of Rs.20,000/- awarded towards "Funeral Expenses" and the sum of Rs.60,000/- awarded towards "Loss of love and affection" to respondents 2 to 7 are also reasonable and hence, confirmed. Therefore, the award of the Tribunal, to the tune of

Rs.3,70,000/- is confirmed and the rate of interest awarded by the Tribunal at 7.5% per annum also remains unaltered.

5. The appellant is directed to deposit the entire amount along with interest and costs, after deducting the amount already deposited, if any, before the Tribunal, 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 respective shares, as per the apportionment of the Tribunal.

6. In the result, the Civil Miscellaneous Appeal is dismissed confirming the award passed by the Tribunal. No costs. Connected M.P. is closed.

Sd/-
Deputy Registrar(J)

//True Copy//

Sub Assistant Registrar

nv

To

The MACT (V Court of Small Causes),
Chennai.

1 CC to Mr.M.B. Gopalan, Advocate SR.No. 12408

1 CC to Mr.M.Swamikannu, Advocate SR.No. 11728

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UG (CO)
PSI (26.03.2015)

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