

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

C.M.A. No. 504 of 2015

&

M.P. No. 1 of 2015

The Branch Manager,
M/s. Royal Sundaram Alliance
Insurance Co. Ltd.,
IV Floor, Thirumalai Towers,
No. 723, Avinashi Road,
Coimbatore.

... Appellant

Vs.

1.Velusamy
2.Lakshmi
3.Krishnaveni

4.M/s. Beekay Fabricators,
No.2/5-B, Vilankurichi Road,
Cheran Nagar,
Coimbatore - 641 035.

5.The Branch Manager,
M/s. United India Insurance
Co. Ltd.,
Coimbatore - 10.

... Respondents

Prayer: Civil Miscellaneous Appeal as against the judgment and decree dated 27.06.2014 passed in M.C.O.P. No. 378 of 2012 by the Motor Accidents Claims Tribunal (Addl. Sub Court), Tiruppur.

For Appellant : Mr.N. Vijayaraghavan

For Respondents : Mr.Ma.P. Thangavel for
R1 & R2

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. 11,97,000/- passed by the Motor Accidents Claims Tribunal (Additional Sub Court), Tiruppur, in favour of respondents 1 and 2, for the death of their son, by name, Sowdamuthu, aged about 24 years, a coolie, said to have been earning Rs.5600/- per month, in the accident, which occurred on 13.01.2012.

2. Heard Mr. N. Vijayaraghavan, learned counsel for the appellant and Mr.Ma.P. Thangavel, learned counsel for respondents 1 and 2.

3. The only issue in question is with regard to the quantum of compensation awarded by the Tribunal.

4. It is seen from the records that the Tribunal, taking into account, the employment of the deceased as a coolie, determined his monthly income at Rs.5600/-, in the absence of any proof regarding his income. It would have been impossible to get manual labour for less than Rs.6000/- per month in the year 2012. Therefore, the sum of Rs.5600/- fixed by the Tribunal as monthly income of the deceased is very reasonable and the same is justified. Following the judgment rendered in Santosh Devi V. National Insurance Company Ltd. and others reported in (2012) 6 SCC 421, the Tribunal added 50% towards "Future Prospects" and the total monthly income was calculated as Rs.8400/-. Since the deceased was a bachelor, 50% was rightly deducted towards "Personal Expenses" and the "Monthly contribution of the deceased to the family" arrived at Rs.4200/- was rounded off to Rs.4500/-. As per the age of the deceased, the appropriate multiplier 18 was justifiably adopted and "Loss of Income" was calculated thus:

Loss of Income :: Rs.4500 x 12 x 18
:: Rs.9,72,000/-

A sum of Rs.2 lakhs was awarded towards "Loss of love and affection" to the 1st and 2nd respondents herein, who are parents of the deceased, @ Rs.1 lakh each and a sum of Rs.25,000/- was awarded towards "Funeral Expenses", which are reasonable amounts and they are confirmed. Hence, the compensation granted by the Tribunal, to the tune of Rs.11,97,000/- together with interest @ 7.5% per annum cannot be found fault with and it is sustained.

5. The appellant Insurance Company is directed to deposit the entire award amount, if not already deposited, together with

interest and costs, 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 apportionment of the award amount, the portion of the award amount to be withdrawn by respondents 1 and 2 and the portion of the award amount to be re-invested in their names in any one of the Nationalised Banks, shall be as per the directions issued by the Tribunal.

6. In the result, the Civil Miscellaneous Appeal is dismissed confirming the award passed by the Tribunal to the tune of Rs.11,97,000/- together with interest @ 7.5% per annum. No costs. Connected M.P. is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

nv

To

The Motor Accidents Claims Tribunal (Addl. Sub Court),
Tiruppur.

+1cc to Mr.M.B.Gopalan, Advocate, S.R.No.18911

+1cc to Mr.Ma.P.Thangavel, Advocate, S.R.No.18917

C.M.A. No. 504 of 2015

CNR (CO)
CA(03/06/2015)

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