

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2015

CORAM

THE HONOURABLE MR.JUSTICE N. KIRUBAKARAN

C.M.A.No.534 of 2015

S.Muthulakshmi

R.Subramani (Died)

Cause title accepted vide order of

Court dated 8.8.2014 made in

M.p.No.1 of 2014 in CMASR.No.36142/14 .. Appellant/Petitioner

Vs.

1.Gundala Rami Reddy

2.The United India Insurance Co.,Ltd.,

Rep.by its Manager, Chennai 600 040,

38, Anna Salai, Chennai-2.

... Respondents/Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act against the Judgment and Decree dated 03.11.2005 passed in M.C.O.P.No.3864 of 2001 on the file of the Motor Accidents Claims Tribunal / IV Judge, Court of Small Causes, Chennai.

For Appellant : Ms.Ramya V.Rao

For 2nd Respondent : Mr. C.Paranthaman

J U D G M E N T

This appeal has been preferred by the claimant, not satisfied a sum 1,54,525/- awarded for the death of one S.Pradeep, aged about 8 years, who died in the accident occurred on 29.05.2000.

2. Heard Ms.Ramya V.Rao, learned counsel appearing for the appellant and Mr.C.Paranthaman, learned counsel appearing for the second respondent.

3. The only point is to be decided with regard to the quantum of compensation awarded by the Tribunal. The Tribunal without following any formula, took Rs.2,000/- as monthly contribution and adopted multiplier 6 and awarded Rs.1,44,000/- towards loss of income which is very low and hence, the said determination made by the Tribunal is set aside.

4. As rightly pointed out by the learned counsel for the appellant, the Honourable Supreme Court in Kishan Gopal and another Vs. Lala and others reported in 2013 STPL (Web) 680 SC, who died in the accident, the notional income was taken as Rs.15,000/- as per Second Schedule cannot be correct, after passing of many years. The age of the mother is 31, as per the Judgment in Sarala Verma and others vs. Delhi Transport Corporation in (2009) 6 TNMAC 1, the appropriate multiplier is 16 and the loss of income is determined as Rs.4,80,000/- (Rs.30,000x16). As per the same judgment, a sum of Rs.50,000/- is required to be awarded towards loss of love and affection and accordingly, Rs.50,000/- is awarded towards loss of love and affection. Totally, this Court awards a sum of Rs.5,30,000/- as compensation. The rate of interest awarded by the Tribunal at 7.5% p.a. remains unaltered. It is made clear that the claimant is not entitled to interest for the delay period of 9 years in filing the appeal.

5. Accordingly, the compensation awarded by the Tribunal is hereby enhanced from Rs.1,54,525/- to Rs.5,30,000/- in the following manner:-

1	Loss of income (Rs.30,000/-X 16)	4,80,000
2	Loss of love and affection to the appellant	50000
	Total	5,30,000

6. The second respondent/Insurance Company is directed to deposit the entire amount along with interest at the rate of 7.5% with cost, within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, the claimant permitted to withdraw 50% of the award amount with interest and the balance 50% of the award amount shall be deposited in Indian bank, High Court, Chennai at least for a period of 3 years . The claimant is permitted to withdraw the accrued interest once in three months.

7. In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.
kkd

-s/d-

Assistant Registrar (CS-II)

Dt:20/3/2015

True Copy

Sub-Assistant Registrar

To

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

Copy to:

The Manager,
Indian Bank,
High Court, Chennai 104.

+ 1 cc to Mr.C.Paranthaman, Advocate SR 15102

+ 1 cc to Mr.A.N.Viswanatha Rao, Advocate SR 15296

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prk20/3



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