

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

C.M.A.NO.2540 of 2014

1.Ammasai Kutty
2.Dhanalakshmi

... Appellants/Petitioners

Vs.

1.Senthilkumar
2.Thiyagarajan
3.M/s.United India Insurance
Company Limited.,
Branch Office at Kumaran Road,
Tiruppur.

... Respondents/Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act against the fair and final order dated 06.10.2012 in M.C.O.P.No.1488 of 2008 on the file of the Motor Accidents Claims Tribunal cum Chief Judicial Magistrate of Tiruppur.

For Appellants : Mr.R.Ramachandran
For Respondents : Mr.T.Ravichandran for R3

JUDGMENT

This appeal has been preferred by the claimants against the award of Rs.3,21,000/- for the death of one Gopal, in the accident, which occurred on 25.06.2008.

2. Heard Mr.R.Ramachandran, learned counsel appearing for the appellant and Mr.T.Ravichandran, learned counsel appearing for the 3rd respondent. The only question to be decided is as to whether the quantum of Rs.3,21,000/- is adequate or not.

3. The deceased, aged about 24 years, was stated to be working as a Turner at Shanthi Gears, Coimbatore. However, no document was produced in proof of the claim. Therefore, the Tribunal took only a sum of Rs.3,000/- as the monthly income. The Honourable Supreme Court in Syed Sadiq etc. Vs. Division Manager, United India Insurance Company Limited reported in 2014 (1) TN MAC 459 determined Rs.6,500/- as monthly income for a vegetable vendor, who sustained injury in the accident occurred on 14.02.2008. In this case, the accident occurred on 25.06.2008. Following the above judgment, this Court takes a sum of Rs.6,500/- as the monthly income and deducts 50%

towards personal expenses of the deceased and determines a sum of Rs.3,250/- as contribution.

4. The age of the deceased was 24 years and following 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 appropriate multiplier is 18 and the loss of income is calculated as follows:

$$6,500-50\% \times 12 \times 18 = 7,02,000/-$$

5. The Tribunal awarded a sum of Rs.10,000/- towards loss of love and affection to the parents, which is too low and the same is enhanced to Rs.30,000/-. The Tribunal awarded only a sum of Rs.5,000/- towards funeral expenses and the same is hereby enhanced to Rs.20,000/-. Totally, this Court awards a sum of Rs.7,52,000/- as compensation. Rounded off to Rs.7,50,000/-. The rate of interest awarded by the Tribunal at 7.5% p.a. remains unaltered.

6. This Civil Miscellaneous Appeal is allowed by enhancing the compensation of Rs.3,21,000/- to Rs.7,50,000/- along with interest at 7.5% p.a. No costs.

7. The 3rd respondent/Insurance Company is directed to deposit the entire award 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 being made, the appellants/claimants are permitted to withdraw the entire amount along with accrued interest, as apportioned by the Tribunal.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vs

To

The Motor Accidents Claims Tribunal
cum Chief Judicial Magistrate, Tiruppur.

1 cc to M/s.Rama Law Associates, Advocate, SR.No.3218

1 cc to Mr. T.Ravichandran ,Advocate, SR.No.3558

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