

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:9.1.2015

CORAM:

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

CMA.No.3502 of 2014

1.Kumar
2.Salammal

...Appellants/claimants

-Versus-

1. ICICI Lombard General Insurance Company Ltd.,
Saradha College Road,
Opp. To A.Swarnamahal,
Salem.

2. Ramachandran

...Respondents/Respondents

This civil Miscellaneous appeal is filed under Section 173 of the Motor Vehicles Act 1988 against the judgment and decree dated 27.03.2010 made in MCOP.No.20 of 2009 on the file of Motor Accident Claims Tribunal (Principal District Judge), Dharmapuri.

For Appellant : Mr.S.Sathiaseelan

For Respondents : Mrs.R.Sreevidhya for R1

J U D G E M E N T

The appeal has been preferred by the claimants against the award of Rs.2,45,000/- for the death of their son Veeramani 14 years old in the accident occurred on 27.2.2008. The Tribunal in the claim petition filed by the appellants found that the vehicle belonging to the second respondent insured with the first respondent was driven rash and negligently and fastened liability on the respondents and determined the compensation of Rs.2,45,000/-. The said award is being challenged with regard to the quantum.

2. Heard the learned counsel appearing for the appellants and the learned counsel for the first respondent. The manner of accident

is not disputed and only the question is with regard to quantum of compensation. The Tribunal awarded Rs.2,25,000/-, taking Rs.15000/- per annum as notional income and adopting multiplier-15. The Tribunal further awarded Rs.5,000/- each towards loss of love and affection, Rs.5000/- towards funeral expenses and Rs.5000/- towards transportation.

3. As rightly pointed out by the learned counsel appearing for the appellants, in view of the judgement reported in Kishan Gopal & another vs. Lala & others reported in 2013 5 CTC 2012, Rs.30,000/- is redetermined as notional income and as per the age of the mother-33 years old, multiplier-16 is applied and the loss of income is calculated as follows:

Rs.30,000/- X 16 = Rs.4,80,000/-.

4. As per the judgement in Kerala SRTC v. Susamma Thomas, reported 1994 (2) SCC 176, referred to in the above judgement, for the death of children aged about 10 to 15 years old, Rs.50,000/- under the conventional heads has to be awarded. Accordingly, Rs.50,000/- is awarded. Totally Rs.5,30,000/- is awarded along with interest at 7.5% per annum. The appellant is not entitled to the interest for the period in which, the appeal has been belatedly filed before this court i.e. with a delay of 1574 days. The first respondent is directed to deposit the entire award amount as per the order of this court along with interest and costs within four weeks from the date of the receipt of a copy of the order and on such deposit, the appellants are permitted to withdraw the entire award amount. The appeal is disposed of. No costs.

Sd/-
Assistant Registrar(LA)

//True Copy//

Sub Assistant Registrar

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To

The Motor Accident Claims Tribunal
(Principal District Judge),
Dharmapuri.

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1 CC to Mrs.R.Sreevidhya, Advocate SR.No. 1449

1 CC to Mr.S.Sathiaseelan, Advocate SR.No. 1333

C.M.A.No.3502 of 2014

SV (CO)

PSI (12.03.2015)



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