

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2015

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

C.M.A. No. 1327 of 2008

&

M.P. No. 1 of 2008

The National Insurance Co. Ltd.,
Branch Office-II,
MIG 315, 80 feet road,
Anna Nagar, Madurai.

..Appellant/ 3rd Respondent

Vs.

1. Tmt. Dhanalakshmi
2. Thiru C. Radhakrishnan
3. Miss C. Maragathapushpam
4. Thiru C. Rajkumar ...Respondents 1 to 4/ Claimants
5. Thiru N. Sundaram
6. Thiru C. Rajendran ...Respondents 5 & 6/ Respondents 1 & 2

Prayer: Civil Miscellaneous Appeal as against the judgment and decree dated 25.04.2007 passed in M.C.O.P. No. 51 of 2006 by the Motor Accidents Claims Tribunal (Subordinate Judge) of Pollachi Coimbatore District.

For Appellant :: Mr.J. Chandran

For Respondents:: Mr.D. Selvaraju for R1 to R4
R5 & R6 set exparte

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.6,70,000/- granted in favour of claimants for the death of one Chinnaswamy, in the accident, which occurred on 16.02.2006, while he was riding his two-wheeler, which was hit by a Maruti Car, belonging to the 6th respondent and insured with the appellant, driven in a rash and negligent manner by the 5th respondent.

2. Heard Mr.J. Chandran, learned counsel for the appellant and Mr.D. Selvaraju, learned counsel for respondents 1 to 4/claimants.

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

4. Though respondents 1 to 4/claimants claimed a sum of Rs.45,000/- as monthly income of the deceased, as the deceased, apart from being an agriculturist, possessing huge acres of land, was running a dairy farm, poultry farm; doing coconut copra business, the Tribunal, taking into consideration, the evidence on record, rightly, determined Rs.10,000/- as the monthly income of the deceased. The Tribunal is also justified in deducting 50% towards "personal expenses" and arriving at Rs.5000/- as "monthly contribution to the family".

5. Since the deceased was aged about 54 years, appropriate multiplier 11 was taken and "Loss of Income" was determined as hereunder:

Loss of Income :: Rs.5000 x 12 x 11
:: Rs.6,60,000/-

Though the amounts awarded towards "Funeral Expenses" and "Loss of love and affection" are meagre, taking into consideration, the overall compensation given towards "Loss of Income", the amounts awarded under the above heads are confirmed. Hence, the award of the Tribunal to the tune of Rs.6,70,000/- is confirmed. So also, the rate of interest awarded by the Tribunal at 7.5% per annum.

6. The appellant is directed to deposit the entire award amount, 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 claimants are permitted to withdraw their respective shares, as per the apportionment of the Tribunal, within a period of one week thereafter. The Civil Miscellaneous Appeal is dismissed. No costs. Connected M.P. is closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

nv

To

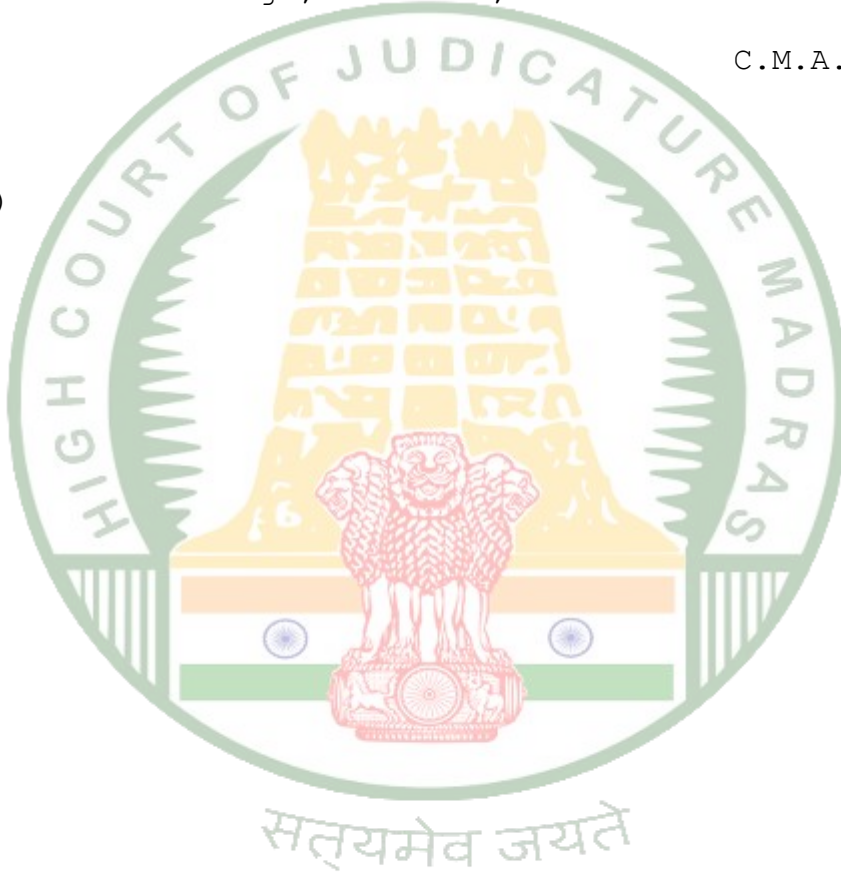
1. The Motor Accident Claims Tribunal
(Sub Court), Pollachi, Coimbatore.

2. The Section Officer
VR Section,
High Caourt, Madras

1 cc to Mr.J. Chandran, Advocate, sr. 3288
1 cc to Mr.D. Selvaraju, Advocate, sr. 3222

C.M.A. No. 1327 of 2008

KGK (CO)
kk 24/2



WEB COPY