

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

CMA Nos.537 of 2008 & M.P.No1 of 2008
and CMA No.1457 of 2008

The Oriental Insurance Co. Ltd.,
No.751, Anna Salai,
Chennai - 600 006.

.. Appellant in CMA No.537 of 2008 and
2nd Respondent in CMA No.1457 of 2008/
2nd respondent

vs.

1. S.Sarala
2. S.Pradeep Kumar (Minor)
rep.by his mother and guardian
1st Respondent
3.Raniamma
4.Elumalai Naicker

... Respondents in CMA No.537 of 2008 and
Appellants in CMA No.1457 of 2008/
Claimant

5.N.Selvaraj

...5th Respondent in CMA No.537 of 2008 and
1st Respondent in CMA No.1457 of 2008/
1st Respondent

Common Prayer : Appeals filed under Section 173 of Motor Vehicles
Act, 1988 against the judgment and decree of the Motor Accident
Claims Tribunal, Chennai (I Fast Track Court, Chennai) in
M.C.O.P.No.5517 of 2001 dated 27.04.2007.

For Appellant : Mr.M.Rajasekhar
in CMA 537/2008 &
2nd Respondent in
CMA 1457/2008

For Respondents : Mr.A.Shanmugaraj
in CMA 537/2008 & for R1 to R4

Appellants in
CMA 1457/2008

COMMON JUDGMENT

The appeals have been preferred by the insurance company as well as by the claimants against the compensation of Rs.6,47,000/- awarded by the tribunal for the death of one Sekar aged about 33 years, lorry owner cum driver claimed to have earned a sum of Rs.6,000/- per month who died in the accident occurred on 20.02.2001.

2. Heard Mr.M.Rajasekhar, learned counsel appearing for the insurance company and Mr.A.Shanmugharaj, learned counsel appearing for the claimants.

3. The only question to be decided is the quantum of compensation awarded by the tribunal. The tribunal, taking into consideration, Exs.P1 & P23, determined Rs.5,000/- as the monthly income of the deceased, considering the fact that the accident is of the year 2001, rightly determined Rs.5,000/- as the monthly income and after deducting 1/3rd towards personal expenses and adopting multiplier 16, based on the aged of the deceased awarded a sum of Rs.6,40,000/- towards loss of income. However, Rs.5,000/- awarded by the tribunal towards loss of consortium seems to be very low and the same is hereby enhanced to Rs.50,000/-. Similarly, Rs.2,000/- awarded by the tribunal under the head funeral expenses is hereby enhanced to Rs.5,000/-. No amount has been awarded by the tribunal towards loss of love & affection to the minor child and the parents of the deceased. Hence, a sum of Rs.30,000/- is awarded to the minor child and a sum of Rs.10,000/- each is awarded to the parents of the deceased under the head loss of love & affection. In total, Rs.6,47,000/- awarded by the tribunal is hereby enhanced to Rs.7,45,000/-, break-up as follows -

(1) Loss of income	...	Rs.6,40,000/-
(2) Loss of consortium	...	Rs. 50,000/-
(3) Loss of love & affection		
to respondents 2 to 4...	Rs.	50,000/-
(4) Funeral expenses	...	Rs. 5,000/-

Total	...	Rs.7,45,000/-
		=====

The rate of interest awarded by the tribunal shall remain unaltered.

4. In the result, Civil Miscellaneous Appeal filed by the insurance company in CMA No.537 of 2008 is dismissed. Consequently, appeal filed by the claimants in CMA No.1457 of 2008 for enhancement is partly allowed enhancing the compensation to Rs.7,45,000/- alongwith interest @ 7.5% per annum from the date of petition till the date of deposit. Connected Miscellaneous Petition is also closed. No costs.

5. The insurance company is directed to deposit the entire amount alongwith interest and costs, as per the order of this Court, payable to the respondents/claimants, within a period of six weeks from the date of receipt of a copy of this order. On such deposit, the respondents/claimants 1, 3 and 4 are permitted to withdraw their share alongwith proportionate interest and costs, on the basis of ratio fixed by the tribunal. The tribunal is directed to deposit the share of the minor respondent/claimant in any one of the Nationalised Bank under reinvestment scheme, till he attains majority.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rgr

To
The Presiding
Fast Track Court No.1,
Motor Accident Claims Tribunal,
Chennai.

Copy to: The Section Officer,
Vr Section, High Court, Madras.

+ 1 cc to Mr.M. Raja Sekhar, Advocate Sr.20310
+ 1 cc to Mr.A. Shanmugaraj, Advocate Sr.20252

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and CMA No.1457 of 2008

KU(CO)
EU 09.06.2015

सत्यमेव जयते

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