

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 27.09.2016

CORAM

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE N.AUTHINATHAN
C.M.A. Nos.2246 to 2249 of 2016
and
C.M.P.Nos.15902, 15904, 15906 and 15908 of 2016

CMA No.2246 of 2016 (MCOP No.568/2012)

The Branch Manager,
United India Insurance Co. Ltd.,
No.280, Ooty Main Road,
Metupalayam - 641 301

.. Appellant

Vs.

1.Shyam
2. Ramanjaneya

.. Respondents

CMA No.2247 of 2016 (MCOP No.569/2012)

The Branch Manager,
United India Insurance Co. Ltd.,
No.280, Ooty Main Road,
Metupalayam - 641 301

.. Appellant

Vs.

1.Geetha
2.Velu Asari
3. Ramanjaneya

.. Respondents

CMA No.2248 of 2016 (MCOP No.570/2012)

The Branch Manager,
United India Insurance Co. Ltd.,
No.280, Ooty Main Road,
Metupalayam - 641 301

.. Appellant

Vs.

1.Ratna Chandran
2.Chandrasekaran
3. Ramanjaneya

.. Respondents

CMA No.2249 of 2016 (MCOP No.588/2012)

The Branch Manager,
United India Insurance Co. Ltd.,
No.280, Ooty Main Road,
Metupalayam - 641 301

.. Appellant

Vs.

1.Shyam
2. Ramanjaneya

.. Respondents

Common Prayer: Appeals under Section 173 of the Motor Vehicles Act, 1988 against the Common Decree and Judgment passed by the Motor Accidents Claims Tribunal (Principal District Court), Krishnagiri in MCOP Nos.568/12, 569/12, 570/12 and 588/12 dated 04.08.2015.

For Appellant : Mr.T.Ravichandran
in all CMAs.

COMMON JUDGMENT

(Order of the Court was made by S.MANIKUMAR, J.)

In the accident which occurred on 13.03.2012, involving a Santro Car bearing Regn.No.TN01AP6429 and a Tipper Lorry bearing Regn.No.TN40-C-919, occupants of the car numbering five died. Legal representatives of the deceased made separate claim petitions, alleging negligence on the driver of the Tipper lorry bearing Regn.No.TN40-C-919 and insured with M/s.United India Insurance Company Limited, Mettupalayam. The Company opposed negligence attributed against the driver of the Tipper lorry. Without

prejudice to the same, they disputed the age, avocation, income of the deceased and the compensation claimed under various heads.

2. As all the claim petitions arose out of the same accident, the claims tribunal jointly tried the same. On evaluation of pleadings, the claims tribunal held that the driver of the tipper lorry bearing Regn.No.TN40-C-919 and insured with M/s.United India Insurance Company, Mettupalayam, was negligent, in causing the accident. Accordingly, quantified the compensation.

3. Being aggrieved by the quantum of compensation and in particular the loss of contribution to the family, United India Insurance Company, Mettupalayam, have filed separate appeals with a delay of 82 days in filing the appeals against the judgment and decrees in MCOP Nos.570/12, 568/12, 588/12 and 569/12. Details are tabulated hereunder.

<i>Sl.No.</i>	<i>MCOP No.</i>	<i>Claimants</i>	<i>Amount awarded</i>
1	568/12	Son of the deceased Uma Devi aged 53 years	Rs.5,25,000/-
2	569/12	Grand parents of the deceased girl child Ahana Raj aged 1-1/2 years	Rs.2,50,000/-
3	570/12	Parents of the deceased Arati Chandra, aged 26 years	Rs.3,05,000/-
4	588/12	elder brother of the deceased Dhivya, aged	Rs.6,80,000/-

<i>Sl.No.</i>	<i>MCOP No.</i>	<i>Claimants</i>	<i>Amount awarded</i>
		21 years	

4. Accident has occurred on 13.03.2012. Claims made in the year 2012 have culminated into awards on 04.08.2015. Having regard to the consistent view of the Courts that compensation to the accident victims should be paid, as expeditiously as possible, when the delay excuse petitions came up for hearing, with the consent of Mr.T.Ravichandran, learned counsel for the United India Insurance Company Limited, Mettupalayam, merits of the appeal, on the challenge was also considered.

CMA No.2246 of 2016 [MCOP No.568/12]:

5. In MCOP No.568/12, son of the deceased Umadevi was the claimant. The deceased was aged 53 years and claimed to be an agriculturist and earned Rs.25,000/- per month. But the tribunal fixed the monthly income as Rs.5,500/-. Applying '11' multiplier, the tribunal deducted 1/3rd towards personal and living expenses of the deceased, and computed the loss of contribution to the family as Rs.4,90,000/-. The tribunal has awarded a further sum of Rs.25,000/- under the head loss of love and affection and Rs.10,000/- only for funeral expenses. Altogether, the tribunal has awarded Rs.5,25,000/-, with interest, at the rate of 8% per annum from the date of claim, till the date of deposit.

CMA No.2247 of 2016 [MCOP No.569 of 2012]:

6. In MCOP No.569 of 2012, Minor Ahana Raj, aged about 1-1/2 years,

died. Grandparents aged about 60 and 50 years respectively, were the claimants. Though, compensation of Rs.10,00, 000/- was claimed, tribunal has awarded only Rs.2,50,000/- with interest at the rate of 8% per annum, from the date of claim, till the date of deposit.

CMA No.2248 of 2016 [MCOP No.570 of 2012]:

7. In MCOP No.570/12, parents were the claimants. The deceased was aged 26 years. Though, it was claimed that by way of private tuition to college students, their daughter earned Rs.20,000/- per month, the tribunal fixed the monthly income as Rs.5,500/- and computed the loss of earning as Rs.2,70,000/-. In addition to the above, the tribunal has awarded Rs.25,000/- under the head loss of love and affection and Rs.10,000/- under the head funeral expenses. Altogether, the tribunal awarded a sum of Rs.3,05,000/- with interest, at the rate of 8% per annum, from the date of claim till the date of deposit.

CMA No.2249 of 2016 [MCOP No.588 of 2012]:

8. In MCOP No.588 of 2012, one Dhivya aged about 21 years and student (M.Sc. Botany), died. Brother was the claimant. Fixing the income of the deceased as Rs.6,000/- per month, the tribunal computed the loss of contribution to the family, and awarded Rs.6,50,000/- to the brother/claimant. Added further, tribunal has awarded Rs.20,000/- under

the head loss of love and affection and Rs.10,000/- under the head funeral expenses. Total compensation awarded is Rs.6,80,000/- with interest, at the rate of 8% per annum, from the date of claim, till the date of deposit, has been awarded.

9. Though, United India Insurance Company, Mettupalayam, the appellant in all the appeals, has questioned the quantum of compensation, we are of the considered view that the quantum of compensation, awarded towards the loss of contribution to the family/claimants, by the tribunal does not represent the principles of just compensation and it cannot be said to be a bonanza or Manna to the surviving legal heirs.

10. As no adverse orders are passed, against the legal representatives, we dismiss all the appeals, on the challenge made.

11. At this juncture, we also make it clear that dismissal of the appeals filed by United India Insurance Company, Mettupalayam, challenging the quantum would not take away the rights of the claimants to seek for enhancement, if they are so advised, and make out a case on merits.

12. Mr.T.Ravichandran, learned counsel for the appellant United India

Insurance Company, Mettupalayam, submitted that the compensation awarded, in the claim petitions, has already been deposited to the credit of the respective MCOPs.

13. Consequent to the dismissal of the appeals, the respondents/claimants, are permitted to withdraw their respective shares, as apportioned by the tribunal, by making necessary applications. Consequently, connected Miscellaneous Petitions are also closed.

[S.M.K., J.] [N.A.N., J.]
27.09.2016

Index: Yes/No
Internet: Yes/No
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S.MANIKUMAR.J.
and
N.AUTHINATHAN.J.

ars

To

1. Motor Accidents Claims Tribunal,
Principal District Court, Krishnagiri
2. The Section Officer,
VR Section, High Court, Madras.

C.M.A. Nos.2246 to 2249 of 2016

27.09.2016