

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUDHAKAR
and
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

C.M.A.No.514 of 2016 and
C.M.P.No.4322 of 2016

Reliance General Insurance Company Limited,
Regional Office, Reliance House, VI Floor,
No.6, Haddows Road, Nungambakkam,
Chennai-600 006. ... Appellant/2nd Respondent

vs.

1. Valarmathi
2. R.Revathi (minor)
3. Dhanakotti Ammal
(2nd Minor Respondent rep. by her mother and NF
1st Respondent Valarmathi) ... Respondents 1 to
3/Petitioners
4. Murugesan ... 4th Respondent/1st respondent

Civil Miscellaneous Appeal is filed under Section
173 of Motor Vehicles Act, 1988 against the award and
decree dated 23.04.2014 passed in M.C.O.P.No.4482 of 2011
on the file of the Motor Accidents Claims Tribunal (II
Court of Small Causes), Chennai.

For Appellant :Mr.K.Moorthy

For Respondents :Mr.K.Suryanarayanan for R1 to R3

JUDGMENT

(Judgment of the Court was delivered by R.SUDHAKAR, J.)

The Insurance Company is on appeal challenging the
award dated 23.04.2015 passed in M.C.O.P.No.4482 of 2011
on the file of the Motor Accidents Claims Tribunal (II
Court of Small Causes), Chennai.

2. It is a case of fatal accident. On 16.08.2011, at
about 11.30 a.m., when the deceased P.Ruthramoorthy, was
drinking tea in front of Balaji Mess at Prunkudi
Panchayath Road and Pillaiyar Koil Street, Perunkudi, the

fourth respondent herein drove his Mini Van bearing Regn. No.TN-20-BR-0846 from South to North direction in a rash and negligent manner and hit the deceased, thereby caused the accident and due to which the deceased died on the spot. FIR was registered against the driver of the Mini Van. The claimants, who were the wife, minor daughter and mother of the deceased have filed a claim for compensation for a sum of Rs.20,00,000/-.

3. In support of the claim, the wife of the deceased was examined as P.W.1; one Thamilsammal was examined as P.W.2 and Ex.P-1 to Ex.P.14 were marked, the details of which are as follows:-

Ex.No.	Details
P1	Copy of the FIR
P2	Death report
P3	Postmortem certificate
P4	Copy of School Transfer Certificate of 1st petitioner
P5	Copy of Birth Certificate of 2nd petitioner
P6	Marriage Invitation
P7	Marriage Fee Receipt
P8	Permission Receipt for Photo
P9	Copy of R.C.Book for first respondent's vehicle
P10	Copy of Insurance Policy
P11	Copy of driving licence of first respondent
P12	Copy of Legalheirs Certificate
P13	Copy of Family Card of P.W.2
P14	Copy of Voter Identity Card of P.W.2

On behalf of respondents, no witnesses were examined and no documents were marked before the Tribunal.

4. The Tribunal based on the oral evidence of the witnesses, the F.I.R. came to conclusion that the driver of the mini van was rash and negligent in driving and he was responsible for the accident and consequently, the insurance company is directed to deposit the award amount on behalf of the 4th respondent herein, as the vehicle was insured with the appellant insurance company, to compensate the claimants. On this issue, learned counsel for the

appellant has not placed any material to come to a different conclusion from that of the conclusion arrived by the Tribunal.

5. Based on the oral and documentary evidence, the Tribunal granted the following amounts as compensation with interest at 7.5% per annum:-

Sl. No.	Head	Amount granted by the Tribunal
1	Loss of dependency	Rs.12,47,904/-
2	Funeral expenses	Rs. 15,000/-
3	Loss of Consortium to the 1st petitioner	Rs. 1,00,000/-
4	Love and affection	Rs. 1,00,000/-
	Total	Rs.14,62,904/-

6. Insofar as the compensation is concerned, based on the evidence of the claimants as against the income of Rs.12,000/- per month claimed, the Tribunal fixed the income of the deceased at Rs.6,500/- per month in respect of the 32 years old deceased, which is very reasonable and is justified.

7. The Tribunal deducted 1/3 towards personal expenses of the deceased. This appears to be justified.

8. The Tribunal has correctly adopted 16 multiplier and arrived the compensation under the head loss of dependency to a sum of Rs.12,47,904/-. Therefore, this Court finds no good reason to reduce the quantum of compensation awarded under this head. The Tribunal has awarded a sum of Rs.1,00,000/- towards loss of love and affection to the wife, minor daughter and mother of the deceased, which, in our opinion is very reasonable. The amount awarded under the heading funeral expenses and also loss of consortium to the wife of the deceased also in our opinion is justified.

9. There is no serious objection with respect the interest granted at 7.5% per annum.

10. Finding no merit, the Civil Miscellaneous Appeal is dismissed. The appellant is directed to deposit the entire award amount to the credit of M.C.O.P.No.4482 of 2011 on the file of the Motor Accidents Claims Tribunal, Chennai, within a period of eight weeks from the date of receipt of a copy of this order and on such deposit being

made, the major claimants are permitted to withdraw the same as apportioned by the Tribunal by filing necessary application before the Tribunal. The share of the minor shall continue to be in deposit till she attains majority and the 1st respondent is permitted to withdraw interest accruing on such deposit once in three months. There will be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

rg

To

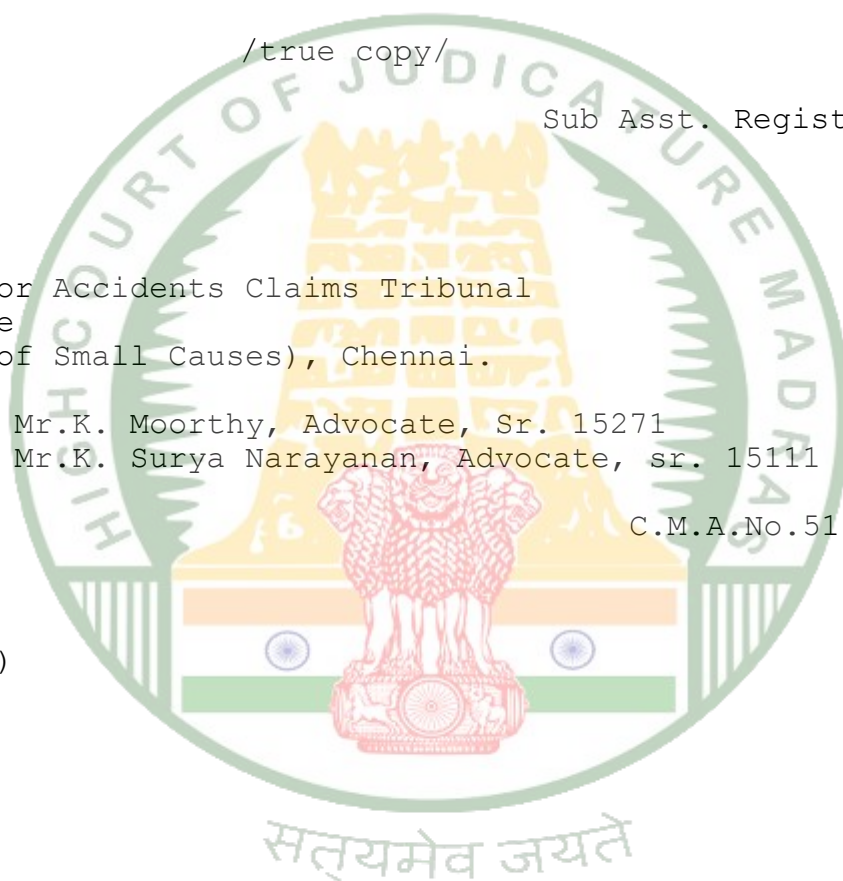
The Motor Accidents Claims Tribunal
II Judge
(Court of Small Causes), Chennai.

1 cc to Mr.K. Moorthy, Advocate, Sr. 15271

1 cc to Mr.K. Surya Narayanan, Advocate, sr. 15111

C.M.A.No.514 of 2016

KSJ (CO)
kk 30/3



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