

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2017

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

C.M.A. No.124 of 2017

1. S.Kumari
2. W.Shanmugham ... Appellants / Claimants

versus

1. T.E.Ravi
2. The Oriental Insurance Company Ltd.,
Race View Tower,
II floor, 71 Anna Salai,
Guindy, Chennai - 32. ... Respondents / Respondents
(R1 remained ex parte before
the Tribunal)

Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and Decree dated 26.07.2014 made in M.C.O.P.No.56 of 2007 on the file of the Motor Accident Claims Tribunal, (Sub Judge), Madurantakam.

For appellants : Mr.K.Sudhakar

For R2 : Mr.J.Chandran

R1 : (Made exparte in the
Lower Court itself)

JUDGMENT

One Velmurugan, aged about 13 years, a student studying 7th standard, died in an accident on 25.01.2007. Hence, the parents filed a claim petition in M.C.O.P.No.56 of 2007 before the Motor Accident Claims Tribunal, Madurantakam, claiming compensation of Rs.5,00,000/-.

1.1. As against the claim made, the Tribunal has awarded a sum of Rs.2,55,000/- as compensation. The break-up details of the compensation read as under:

Loss of dependency (Rs.15,000/- x 15)	- Rs.2,25,000/-
Loss of love and affection	- Rs. 30,000/-
Total	- <u>Rs.2,55,000/-</u>

1.2. Challenging the quantum of compensation as inadequate, the claimants have filed this Appeal.

2. The learned counsel appearing for the claimants/appellants would submit that the Tribunal has fixed the notional income of Rs.15,000/-, which is very low and considering that the accident was in the year 2007, it should be fixed on a higher level. It is also represented that the claimants are waiting for a long time and that because of the imminent necessity of getting money emergently, without facing any appeal, the claimants would be satisfied, even if the Insurance Company is willing to pay the claim as prayed for in the petition.

3. The learned counsel for the Insurance Company would submit that the company would admit liability only for the extent of Rs.4,55,000/- and not more than that, for which, the learned counsel for the appellants did not raise any objection.

4. Considering the submissions made on both sides, considering the age of the deceased and the potential earning capacity, award is passed for a sum of Rs.4,55,000/-.

5. In the result, the Civil Miscellaneous Appeal is allowed, enhancing the compensation from Rs.2,55,000/- to Rs.4,55,000/-, which is payable with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit.

8. The Insurance Company shall deposit the enhanced compensation of Rs.4,55,000/-, less the amount already deposited if any, along with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit, within a period of six weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the claimants are permitted to

withdraw the amount as per the apportionment made by the Tribunal. The claimants shall pay the court fee for the enhanced amount of compensation, before obtaining copy of Judgment. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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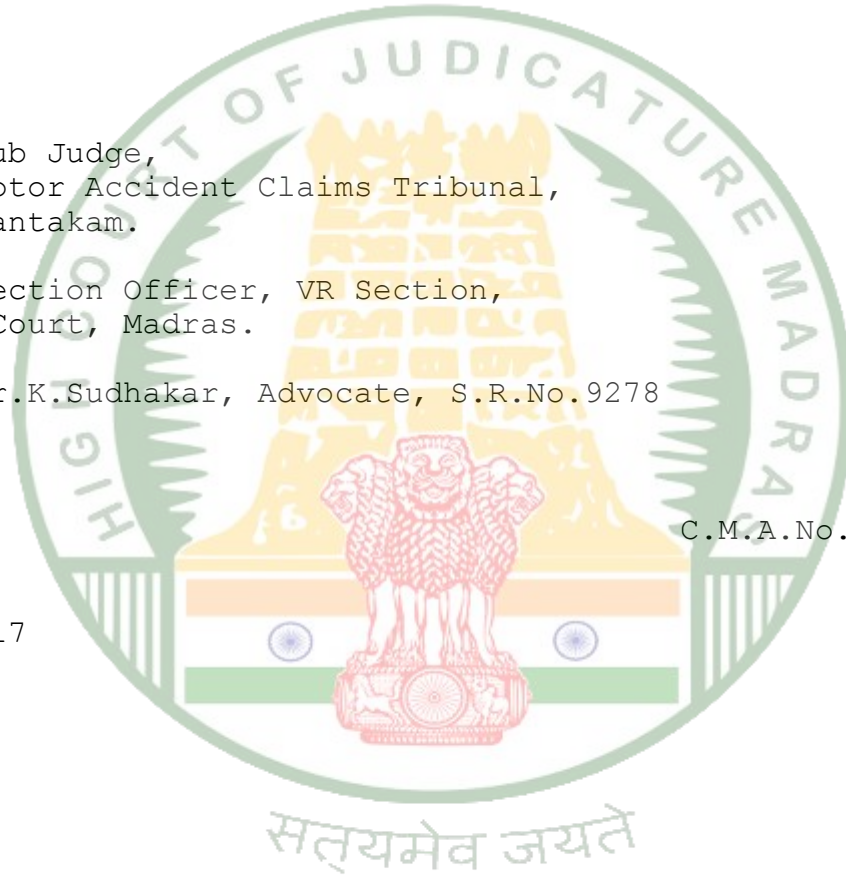
To

1. The Sub Judge,
The Motor Accident Claims Tribunal,
Madurantakam.
2. The Section Officer, VR Section,
High Court, Madras.

+1cc to Mr.K.Sudhakar, Advocate, S.R.No.9278

C.M.A.No.124 of 2017

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