

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2017

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

C.M.A.No.149 of 2017  
and C.M.P.No.1029 of 2017

The Divisional Manager,  
United India Insurance Co. Ltd.  
No.146-N, Kumar Complex,  
Anna Salai,  
Namakkal - 637 211.

... Appellant / 2<sup>nd</sup> Respondent

versus

1. Surendiran ... 1<sup>st</sup> Respondent/1<sup>st</sup> Petitioner

2. Manimozhi ... 2<sup>nd</sup> Respondent/2<sup>nd</sup> Petitioner

3. The Manager,  
M/s.Sri Devi Bus Service,  
D.No.3/91, Seetharam Nagar,  
Krishnagiri Bye-pass Road,  
Hosur Taluk,  
Krishnagiri District-635 109.

...3<sup>rd</sup> Respondent/1<sup>st</sup> Respondent

Prayer : This Appeal filed under Section 173 of Motor Vehicles Act, against the Judgment and Decree dated 26.02.2016 made in M.C.O.P.No.420 of 2015 on the file of the Motor Accident Claims Tribunal (Special District Judge), Krishnagiri.

For Appellant : Mr.T.Ravichandran

JUDGMENT

In respect of death of one Parthiban, who was aged 24 years, working as Conductor in the 3<sup>rd</sup> respondent concern, earning a sum of Rs.15,000/- p.m., in the accident on 26.01.2015, the father and mother of the deceased filed a claim petition before the Motor Accident Claims Tribunal (Special District Judge), Krishnagiri, claiming a sum of Rs.30,00,000/- as compensation.

2. The Tribunal, after considering the oral and documentary evidence, has awarded the compensation of Rs.12,20,000/-, payable along with interest at the rate of 7.5% p.a. from the date of petition till the date of deposits.

2.1. The Tribunal has taken the monthly income of the deceased at Rs.10,000/-. Deducting 50% towards personal expenses and adopting the multiplier of '18', the Tribunal has estimated the loss of dependency at Rs.10,80,000/- (Rs.5,000/- x 12 x 18); awarded Rs.1,00,000/- towards loss of love and affection; Funeral Expenses at Rs.25,000/-; Damages to clothes at Rs.5,000/- and Transport Expenses at Rs.10,000/-. The total compensation was Rs.12,20,000/-.

2.2. Challenging the award amount as excessive, the Insurance Company has filed this appeal.

3. The main contention of the learned counsel appearing for the appellant/ Insurance Company is that the monthly income of the deceased has been fixed at Rs.10,000/-, without any basis and without the Employer having been examined. It is also pointed out that in this case, the proper multiplier is '17' as per the Sarala Verma's case and not '18'. Therefore, the award requires interference of this Court.

4. These two contentions cannot be accepted, because, the Tribunal did not take into account the future prospective increase in income of the deceased (so far as the income of the deceased is concerned). Therefore, even if the multiplier is reduced and the income is enhanced, it would not result in substantial change in the quantum. Hence, the Civil Miscellaneous Appeal is dismissed.

5. The Insurance Company is directed to deposit the award amount, 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 four weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the claimants are permitted to withdraw their share of the amount as per the ratio of the apportionment made by the Tribunal. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS III )

/true copy/

Sub Asst. Registrar

To

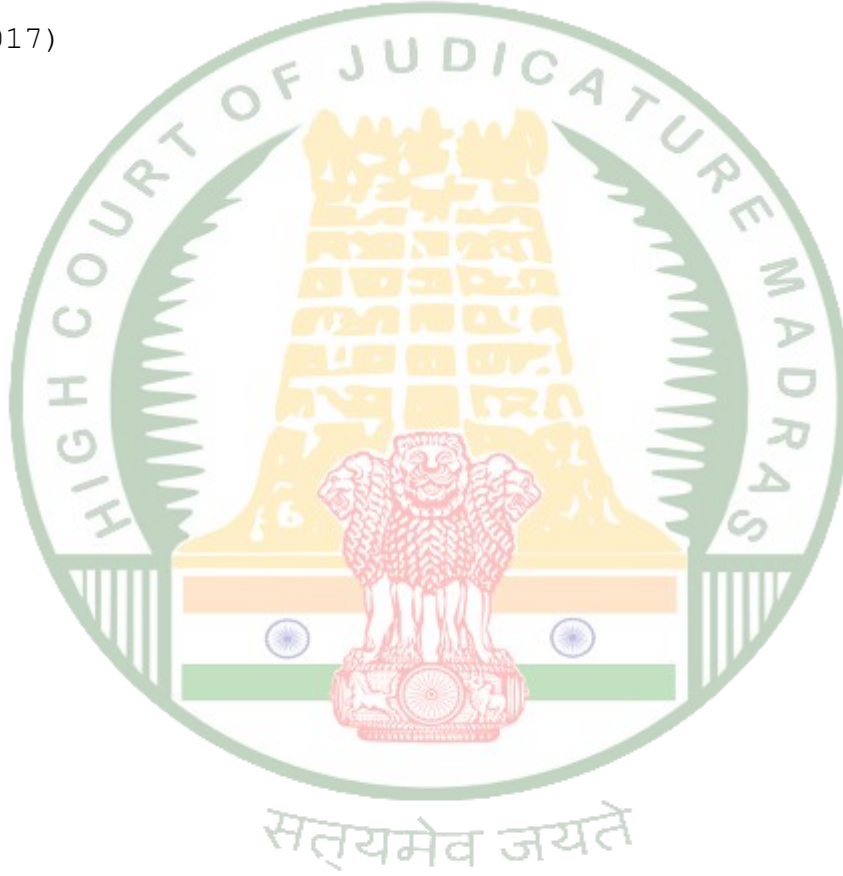
1. The Motor Accident Claims Tribunal  
(Special District Judge), Krishnagiri.

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

+1cc to Mr.T.Ravichandran,Advocate sr.11538

C.M.A.No.149 of 2017

lrs(co)  
ss(28/6/2017)



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