

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR

AND

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.M.A.NO.1550 OF 2015

AND M.P.NO.1 OF 2015

M/s.Royal Sundaram Alliance Insurance Co. Ltd.,  
4-A, 4th Floor, "Thirumalai Towers"  
No.723, Avanashi Road,  
Coimbatore - 641 018. ... Appellant/3<sup>rd</sup> Respondent

Versus

1.S.Lakshmipriya (Minor)

2.C.Kulanthaiaammal

(Minor rep. by her grandmother  
and next friend C.Kulanthaiaammal)

3.A.Suresh

4.R.Premkumar

... Respondents/Petitioner 1 & 2 and  
Respondents 1 & 2

PRAYER: Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 02.03.2015 in MCOP No.1024 of 2012, on the file of Motor Accident Claims Tribunal, Additional District Court No.3, Dharapuram.

For Appellant : Mr.M.B.Gopalan

For Respondents:

1 and 2

Mr.V.Raghupathi

J U D G M E N T

(JUDGMENT OF THE COURT WAS MADE BY S.MANIKUMAR, J.)

In the accident, which occurred on 04.03.2011, V.C.Shanmugasundaram, aged about 41 years died. S.Lakshmipriya and C.Kulanthaiaammal, being legal representatives of the deceased, filed MCOP No.1024 of 2012, on the file of Motor Accidents Claims Tribunal (Additional District Court No.3) Dharapuram, claiming compensation of Rs.2,00,00,000/-. Appellant insurance company opposed the claim.

2. On evaluation of pleadings and evidence, the Tribunal has determined the compensation as Rs.26,17,902/-, with interest at the rate of 7.5% per annum, from the date of claim

till deposit, and costs, as hereunder:

|                                 |   |                 |
|---------------------------------|---|-----------------|
| Income fixed (per annum)        | - | Rs. 2,76,739.00 |
| Pecuniary loss                  |   |                 |
| (Rs.2,76,739 /- less 1/3 X 14)- |   | Rs.25,82,902.00 |
| Loss of love and affection      | - | Rs. 25,000.00   |
| Funeral expenses                | - | Rs. 10,000.00   |
| Total                           | - | Rs.26,17,902.00 |

3. Being aggrieved, insurance company is on appeal.

4. On this day, when the matter came up for hearing, Mr.M.B.Gopalan, learned counsel appearing for the insurance company and Mr.V.Raghupathi, learned counsel appearing for the legal representatives of the deceased / respondents 1 and 2 have consented for the award being reduced and fixed as Rs.23,09,000/-, as under:

|                                |   |                 |
|--------------------------------|---|-----------------|
| Income to be fixed (per month) | - | Rs.15,000.00    |
| Future prospects               | - | 30%             |
| Income fixed                   | - | Rs. 19,500.00   |
| Pecuniary loss                 |   |                 |
| (Rs.13,000/- X 12 X 14)        | - | Rs.21,84,000.00 |
| Loss of love and affection     | - | Rs. 1,00,000.00 |
| Funeral expenses               | - | Rs. 25,000.00   |
| Total                          | - | Rs.23,09,000.00 |

5. Submission of learned counsel on either side is placed on record.

6. In view of the above, there shall be a reduction in the quantum of compensation by Rs.3,08,902/-.

7. Mr.M.B.Gopalan, learned counsel for the insurance company submitted that the entire award amount of Rs.26,17,902/-, with interest and costs, less the statutory deposit, has already been deposited, to the credit of MCOP No.1024 of 2012, on the file of Motor Accidents Claims Tribunal (Additional District Court No.3) Dharapuram.

8. Consequent to the reduction in the quantum of compensation, M/s.Royal Sundaram Alliance Insurance Company Limited is permitted to seek for refund of the balance amount, from the deposit, with proportionate interest.

9. In fine, the Civil Miscellaneous Appeal is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

TK  
To

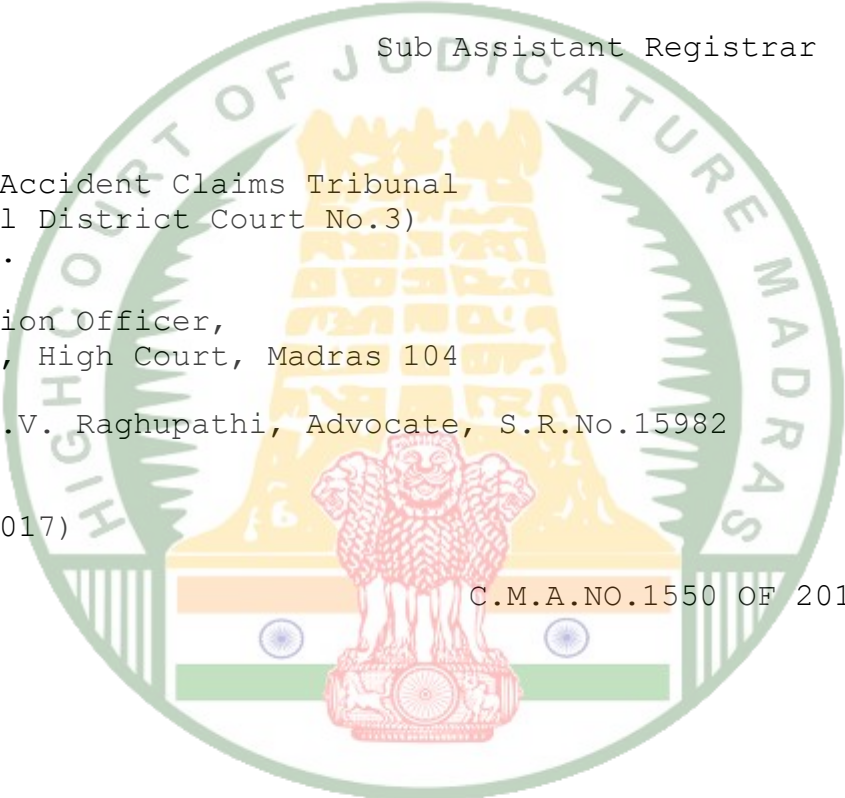
The Motor Accident Claims Tribunal  
(Additional District Court No.3)  
Dharapuram.

2 The Section Officer,  
VR Section, High Court, Madras 104

+lcc to Mr.V. Raghupathi, Advocate, S.R.No.15982

nm(CO)  
md(20/04/2017)

C.M.A.NO.1550 OF 2015



सत्यमेव जयते

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