

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.M.A.No.1662 of 2014

United India Insurance Co., Ltd.,
Cuddalore. Appellant/2nd Respondent

Vs.

1.Ramadass
2.Arulselvi
3.Thenmozhi
4.Rajkumar
5.Rathinasamy
(Ex-parte before the Tribunal) Respondents/Petitioners
1 to 4 & 1st Respondent

Prayer:- Civil Miscellaneous Appeal preferred under Section 173 of Motor Vehicles Act, 1988, against the award dated 19.06.2013 made in M.C.O.P.No.150 of 2012 on the file of the learned MACT (Sub-Court) at Chidambaram.

For Appellant : Mr.T.Ravichandran

For Respondents : Mr.A.Murugan for RR1 to 4
R5-Ex-parte

JUDGMENT

[Judgement of the Court was delivered by C.T.SELVAM, J]

This Civil Miscellaneous Appeal has been preferred against the award dated 19.06.2013 made in M.C.O.P.No.150 of 2012 on the file of the learned MACT (Sub-Court) at Chidambaram.

2. Heard learned counsel for appellant and learned counsel for respondents.

3. Learned counsel for appellant/Insurance Company submits that Tribunal erred in fixing the monthly earnings of the deceased at Rs.10,000/- per month in the absence of any specific proof thereof. The deducted income at notionally being fixed at Rs.6,500/-, learned counsel for appellant

submits that as the deceased was a bachelor, 50% of earning ought to have been deducted towards the personal expenses. As the deceased was aged 30, the multiplier 17 ought to have been adopted in keeping with the decision of the Apex Court in Sarala Verma & Others Vs. Delhi Transport Corporation & Another [CDJ 2009 SC 779], instead of 18.

4. Learned counsel for respondents 1 to 4 submits that proof of his earning had been provided through Ex.P4 driving license, Ex.P5 Passport and Ex.P6 Membership Certificate. He further submitted that the compensation provided for loss of love and affection is low, inasmuch as both parents and two siblings of the deceased have been granted Rs.25,000/- each. The further submission was that Tribunal had awarded only Rs.10,000/- towards Funeral expenses and the same was in the lower side.

5. Considering the rival submissions, this Court finds agreement with learned counsel for appellant that as a bachelor, 50% ought to have been deducted towards the personal expenses and since the age of the deceased was 30, multiplier 17 ought to have been adopted. We are, however, of the view that the sums awarded towards loss of love and affection to the first and second respondents/parents of the deceased, has to be increased to a sum of Rs.50,000/- each, instead of Rs.25,000/- as directed by the Tribunal. Further, the sum awarded towards funeral expenses is to be increased to Rs.25,000/-. We find no reason to interfere with the finding of the Tribunal on the fixation of the income of the deceased i.e. Rs.10,000/- per month.

6. The compensation awarded by this Court is as follows:-

Heads	Amount awarded by this Court (Rs.)
Loss of income (Rs.10000X12X17X50%)	10,20,000
Funeral Expenses	25,000
Love and Affection [Rs.50000+50000+25000+25000]	1,50,000
Transport Expenses	10,000
Total	12,05,000

7. Learned Counsel for appellant brings notice that the entire amount, as directed by the Tribunal, has already been deposited. The appellant/Insurance Company shall be entitled to withdraw the same, if any, deposited in excess of that by recently ordered by this Court.

8. Accordingly, the Civil Miscellaneous Appeal is disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

kmi

To

1. The Subordinate Judge,
Motor Accident Claims Tribunal,
Sub-Court, Chidambaram.

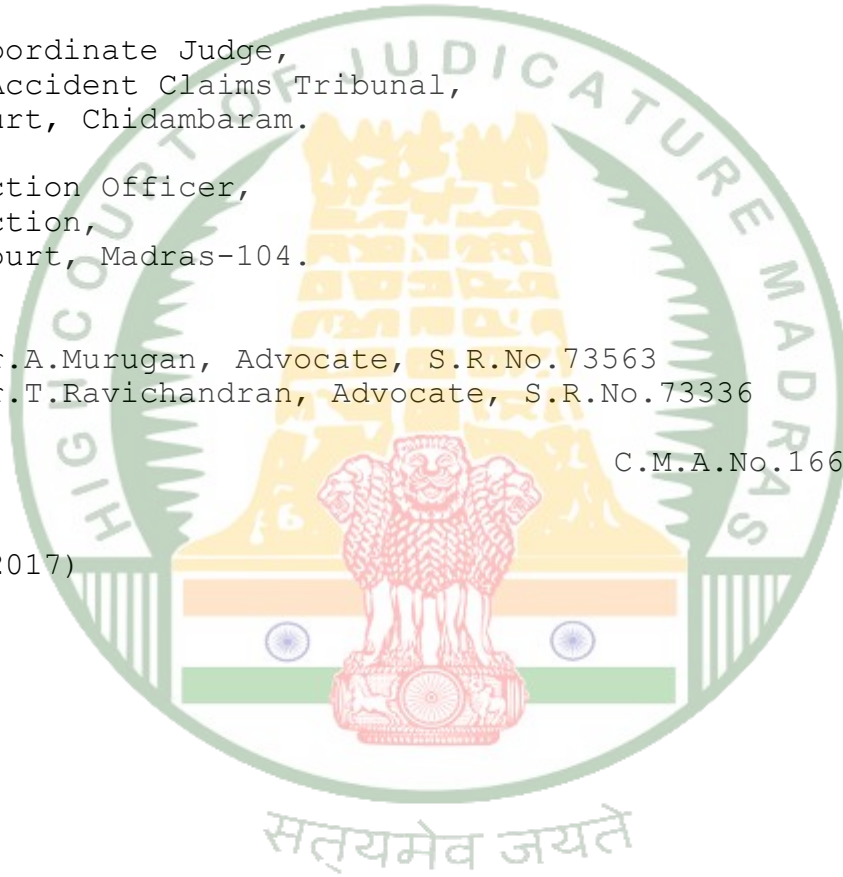
2. The Section Officer,
V.R.Section,
High Court, Madras-104.

+1cc to Mr.A.Murugan, Advocate, S.R.No.73563

+1cc to Mr.T.Ravichandran, Advocate, S.R.No.73336

C.M.A.No.1662 of 2014

SR(CO)
CA(22/11/2017)



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