

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR  
AND  
THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.M.A.NO.554 OF 2015

AND M.P.NOS.1 AND 2 OF 2015

M/s.United India Insurance Co. Ltd.,  
No.50-A, Pallivasal Street,  
Perambalur.

... Appellant/1st Respondent

Versus

1.Rani  
2.Senthil  
3.Suganthi  
4.Sethu  
5.Radha

... Respondents/Petitioner 1 to 4  
2nd Respondent

(5th Respondent Exparte in Lower Court)

PRAYER: Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 23.04.2013 passed in MCOP No.24 of 2008 by the Motor Accident Claims Tribunal, Subordinate Court, Ariyalur.

For Appellant : Mr.N.Vijayaraghavan

For Respondents 1-4 : Mr.S.Nagarajan

J U D G M E N T

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

Challenge in this appeal is to the quantum of compensation of Rs.20,14,053/- with interest at the rate of 7.5% and costs awarded to the legal representatives of the deceased in MCOP No.24 of 2008, dated 23.04.2013, on the file of Motor Accident Claims Tribunal, Subordinate Court, Ariyalur, on the only grounds that the Tribunal has erred in not deducting any amount towards the personal and living expenses of the deceased.

2. Considering the limited challenge, there is no need to delve into the other aspects. Compensation awarded under different heads are not disputed.

3. Material on record discloses that there were four dependents. Following the decision in SARLA VERMA (SMT) AND OTHERS VS. DELHI TRANSPORT CORPORATION AND ANOTHER [2009 (6) SCC 121] the Tribunal ought to have deducted 1/4<sup>th</sup> towards the personal and living expenses of the deceased.

4. Income of the deceased, as determined by the Tribunal is Rs.17,57,280/-. If 1/4<sup>th</sup> is deducted towards the personal and living expenses of the deceased, loss of contribution to the family works out to Rs.13,17,960/.

5. As stated supra, compensation awarded under other heads is not disputed. After reworking, respondent nos.1 to 4 / claimants are entitled to compensation of Rs.15,74,733/-, with interest at the rate of 7.5% per annum, from the date of claim, till its realisation and costs, as hereunder:

|                                      |                 |
|--------------------------------------|-----------------|
| Loss of contribution to the family - | Rs.13,17,960 /- |
| Loss of consortium -                 | Rs.50,000/-     |
| Loss of love and affection -         | Rs.90,000/-     |
| Medical expenses -                   | Rs.40,000/-     |
| Medical expenses (As per Ex.P9) -    | Rs.56,773/-     |
| Funeral expenses -                   | Rs.20,000/-     |
|                                      | -----           |
| Total compensation -                 | Rs.15,74,733/-  |
|                                      | -----           |

6. Entire award amount of Rs.20,14,053 /-, with proportionate interest and costs, as ordered by the Tribunal, is stated to have been deposited, to the credit of M.C.O.P.No.24 of 2008, on the file of Motor Accident Claims Tribunal, Subordinate Court, Ariyalur.

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

8. In fine, the Civil Miscellaneous Appeal is allowed as indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

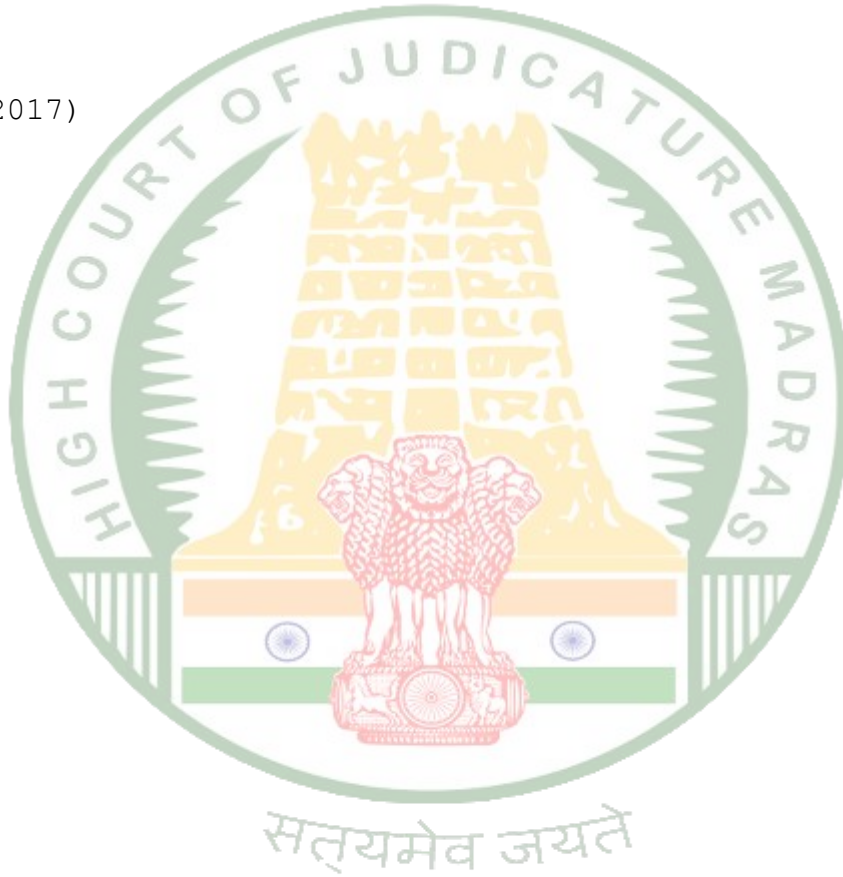
The Motor Accident Claims Tribunal  
Subordinate Court  
Ariyalur.

+1cc to Mr.M.B. Gopalan, Advocate Sr. 15270

+1cc to Mr.S. Nagarajan, Advocate Sr. 15219

C.M.A.NO.554 OF 2015

NM(CO)  
VR(21/03/2017)



WEB COPY