

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2017

CORAM

THE HONOURABLE Dr.JUSTICE S.VIMALA

C.M.A.No.2376 of 2014
and C.M.P.No.15221 of 2016
and M.P.No.1 of 2014

The Divisional Manager,
The Oriental Insurance Company Ltd.,
D.O.No.12, 1001/56, Jayalakshmi Mansion,
2nd Floor, Dr.Rajkumar Road, 4th Block,
Rajajinagar, Bangalore - 560 010.

Appellant/
2nd Respondent

/Vs/

1. S.Amali
2. S.Fathima
3. S.Angilamary
4. S.Sagayarani
5. S.Lily Pushpam
6. S.Philomina
7. S.Antony
- 8.V.Devika

Respondents/Petitioners/
1st Respondent

Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 30.09.2013 made in M.A.C.T.O.P.No.65 of 2013 on the file of the Motor Accidents Claims Tribunal, (District Judge Special District Court For Motor Accident Claims Cases) at Krishnagiri.

For Appellant : Mr.M.Krishnamurthy
For Respondents : Mukund R.Pandiyan
1 to 7 : Set Exparte
R8 : before Tribunal

JUDGMENT

The legal representatives, eight in number, of the deceased Savarinathan, have filed the claim petition claiming a sum of Rs.10,00,000/- as compensation.

2. The deceased Savarinathan, aged 54, cattle broker, earning a sum of Rs.10,000/- per month, died in an accident on 30.03.2010.

3. The Tribunal, on consideration of materials placed before it, has awarded a sum of Rs.6,45,200/- with the following break-up details:

Future loss of income	-	Rs. 5,18,400/-
Loss of Love and affection to the petitioners 2 to 8 (7 x 10,000)	-	Rs. 70,000/-
Transport to hospital	-	Rs. 15,000/-
Funeral expenses	-	Rs. 20,000/-
Medical Bills for Rs.21821/- is rounded to 21,800/-	-	Rs. 21,800/-
Total		Rs. 6,45,200/-

4. The Tribunal has fixed monthly income of the deceased at Rs.6,000/-. Considering the fact that there are too many dependants upon the deceased, have deducted 1/5th towards personal expenses i.e. Rs.1200/-. The Tribunal, taking the monthly dependency at Rs.4,800/-, fixing the annual income, has adopted multiplier at 9 (Rs.57,600 x 9) and has quantified the compensation at Rs.5,18,400/-. Loss of love and affection has been awarded at Rs.70,000/- (@ Rs.10,000/- to each of the claimants 2 to 8) Immediately, after the accident, he had suffered injuries, for which, the medical expenses has been awarded at Rs.21,800/-, which would go towards loss of estate. Funeral expenses has been awarded at Rs.20,000/- and Transport to hospital at Rs.15,000/-.

5. Considering the fact that the amount of compensation awarded under the non conventional heads is very meager and having regard to the larger number of family members having been dependants upon the deceased, the compensation awarded by the tribunal cannot be said to be excessive.

6. In the result, the appeal has no merits and the same is dismissed confirming the award passed by the Tribunal. No

costs. Consequently, connected miscellaneous petitions are closed.

7. It is represented that the 50% of the award amount as determined by the Claims Tribunal has already been deposited by the insurance company and the balance 50% of the award amount should be deposited by the insurance company along with interest at 7.5% per annum from the date of petition till the date of deposit within a period of four weeks from the date of the receipt of a copy of this judgment. On such deposit being made, the Tribunal is directed to transfer the compensation amount directly to the bank account of the claimants/respondents 1 to 7, as per the proportion fixed by the tribunal, through RTGS within a period of two weeks thereafter.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

kv/sms

To

1. The Motor Accidents Claims Tribunal,
(District Judge Special District Court
For Motor Accident Claims Cases) at Krishnagiri.
2. The Section Officer, VR Section,
High Court, Madras.

+lcc to Mr.M.Krishnamoorthy, Advocate Sr. 47097

+lcc to Mr.Mukund R.Pandiyar, Advocate Sr. 46960

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GJ(CO)

VR(06/10/2017)