

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 01.03.2017

CORAM:

THE HON'BLE MR. JUSTICE S. MANIKUMAR
AND
THE HON'BLE MR. JUSTICE M.GOVINDARAJ

C.M.A. No.428 of 2017
and
C.M.P.No.2957 of 2017

Cholamandalam MS General Insurance
Company Limited
"Dare House", 2nd Floor
No.2, NSC Bose Road
Parrys, Chennai - 600 001 ..Appellant/Respondent-2

Vs.

1.Mrs.A.S.Swarna Gowri ..Respondent-1/Petitioner

2.K.S.Shanmugasundaram ..Respondent-2/Respondent-1

Civil Miscellaneous Appeal filed under Section 173 of the
Motor Vehicles Act, 1988 against the judgment and decree,
dated 01.06.2016 made in MCOP No.380 of 2013, on the file of
Motor Accidents Claims Tribunal (III Judge, Court of Small
Causes), Chennai

For Appellant : Mr.N.Vijayaraghavan
For Respondents: A.Abdul Kani for R1

JUDGMENT

(Made by S.MANIKUMAR, J.)

Quantum of compensation of Rs.15,43,000/- with interest
at the rate of 7.5% and costs, awarded in MCOP No.380/2013 on
the file of the Motor Accidents Claims Tribunal (III Judge,
Court of Small Causes), Chennai, to the sister of the
deceased, is challenged solely on the ground that it is
excessive. Tribunal has quantified the said sum as hereunder:

Pecuniary loss	: Rs.14,58,000/-
Love and affection	: Rs. 50,000/-
Funeral Expenses	: Rs. 25,000/-
Transport Expenses	: Rs. 10,000/-
(Artificial limb)	-----
	: Rs.15,43,000/-

2. On 22.02.2017, this court passed the following order:

" Quantum of compensation is the only challenge in this appeal.

2. Notice to the respondents returnable by 01.03.2017. Private notice is also permitted.

3. There shall be an order of interim stay on condition that the appellant-insurance company deposits a sum of Rs.8,14,000/- (Rupees eight lakhs fourteen thousand only) with proportionate accrued interest and costs, less the amount already deposited, if any, to the credit of MCOP No.380 of 2013 on the file of MACT (III Court of Small Causes), Chennai, on or before 01.03.2017, failing which, the order of stay granted now, shall stand vacated without any further reference to this Court.

4. Further, it is made clear that if notice is not taken on the respondents within the stipulated time, the order of stay granted now, shall stand vacated without any further reference to this court.

5. Post on 01.03.2017."

3. Learned counsel appearing for the parties have arrived at a consensus and given a calculation sheet, reworking compensation. We have gone through the same. Considering the material on record, we reduce the compensation, as hereunder:

Pecuniary loss	: Rs. 7,29,000/-
to be fixed at 50% of Rs.14,58,000/-	
Love and affection	: Rs. 50,000/-
Funeral Expenses	: Rs. 25,000/-
Transport Expenses	: Rs. 10,000/-
(Artificial limb)	

	: Rs. 8,14,000/-

Learned counsel for the appellant/insurance company submitted that the above said amount with proportionate interest and costs, has already been deposited to the credit of MCOP No.380 of 2013 on the file of Motor Accidents Claims Tribunal (III Judge, Court of Small Causes). The Tribunal is further directed to disburse the compensation amount, only, after due verification and identity of the claimant/1st respondent. We direct that, there should be strict compliance.

In the result, the civil miscellaneous appeal is partly allowed to the extent indicated above. No costs. Consequently, the connected civil miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

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Sub Assistant Registrar

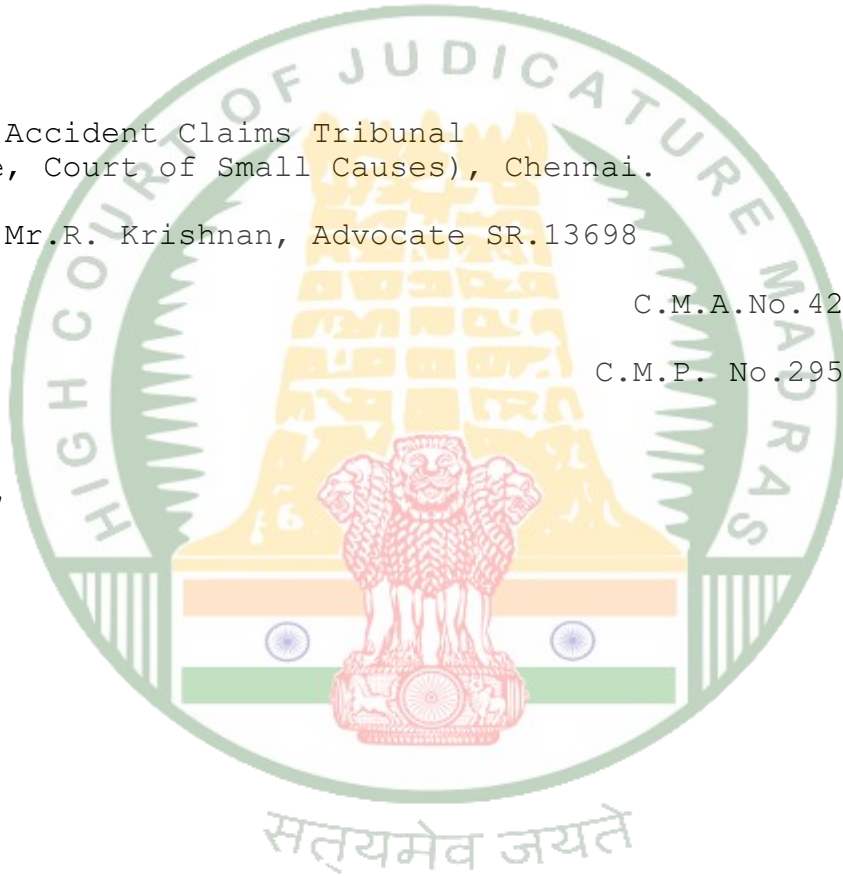
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To
The Motor Accident Claims Tribunal
(III Judge, Court of Small Causes), Chennai.

+ 1 cc to Mr.R. Krishnan, Advocate SR.13698

C.M.A.No.428 of 2017
and
C.M.P. No.2957 of 2017

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