

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 16.03.2017

CORAM:

THE HONOURABLE MRS. JUSTICE. PUSHPA SATHYANARAYANA

CMA.No.724 of 2017
and
CMP.No.4004 of 2017

National Insurance Co. Ltd.
KRT Building, Cantonment,
Trichy ... Appellant/2nd respondent

Vs.

1 . Valli ... 1st respondent/Petitioner
2 . P.T.Loganathan
3 . M.S.Muralidharan
4 . HDFC ERGO Gen Insurance Co. Ltd.
Achyutha Complex, Cantonment,
Trichy ... 2 to 4 respondents/ 1, 3, 4
Respondents

Prayer : Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 28.02.2014 made in MCOP.No.3/2012 on the file of the Motor Accident Claims Tribunal, (Principal District Judge), Perambalur.

For Petitioner : Mr.S.Arunkumar

For 1st Respondent : Mrs.G.Devi

J U D G M E N T

Challenging the quantum of compensation awarded by the Principal District Judge, Motor Accidents Claims Tribunal, Perambalur, in M.C.O.P.No.3 of 2012, dated 28.02.2014, the appellant Insurance Company has come forward with this Civil Miscellaneous Appeal.

2. The claimant is the mother of the deceased Balasubramanian, aged about 29 years, who was working as an Air Conditioner Mechanic at Singapore in a private company and earning a sum of Rs.50,000/- p.m. and he met with an accident

that occurred on 7.6.2010 and died on the spot. Hence, the claimant filed a Claim Petition in M.C.O.P.No.3 of 2012, seeking compensation for a sum of Rs.25,00,000/-.

3. The Tribunal, on consideration of oral and documentary evidence, has awarded a sum of Rs.15,89,000/-, with interest @ 7.5% per annum from the date of petition till the date of deposit. The break-up details of the same are as follows:

Loss of dependency	-	Rs.14,68,800/-
Loss of Love and affection	-	Rs. 1,00,000/-
Loss of Estate	-	Rs. 10,000/-
Transport Charges	-	Rs. 5,000/-
Funeral Expenses	-	Rs. 5,000/-
Total		Rs.15,88,800/-
Rounded off	to	Rs.15,89,000/-

4 . Aggrieved by the said Award, the insurance company/2nd respondent herein has filed this appeal to scale down the quantum of compensation.

5. The learned Counsel for the appellant submitted that the skill of the deceased is not enough to earn such income of Rs.50,000/- per month and the amount of compensation awarded by the Tribunal is very huge and hence the compensation needs to be reduced.

6. A perusal of the award would go to show that the income of the deceased was fixed at Rs.16,000/- p.m. as he was technically qualified and the annual contribution was calculated by applying the multiplier of 17 and fixed the compensation amount as Rs.14,68,800/- after deducting 10% of income tax. Considering the fact that the employment of the deceased was on contractual nature, Rs.15,000/- is fixed as monthly income of the deceased and the claimant, being the dependent of the deceased, 50% of the said sum should be calculated with the multiplier of 17 and after deduction of 10% income tax, it would be Rs.13,77,000/-. Hence, a sum of Rs.13,77,000/- is awarded towards loss of dependency and Rs.5,000/- towards loss of Estate.

7. Considering the hike in transport charges and all other labour charges, a sum of Rs.9,000/- is awarded towards transportation and Rs.9,000/- is awarded towards Furenal

Expenses instead of Rs.5,000/- each on the said heads. As for as the other head of Loss of Love and affection, the amount of Rs.1,00,000/- as awarded by the trial court is confirmed.

8. In fine, the amount of compensation awarded is reduced from Rs.15,89,000/- to Rs.15,00,000/-, as follows:

Loss of dependency	-	Rs.13,77,000/-
Loss of Love and affection	-	Rs. 1,00,000/-
Loss of Estate	-	Rs. 5,000/-
Transport Charges	-	Rs. 9,000/-
Funeral Expenses	-	Rs. 9,000/-
Total		Rs.15,00,000/-

9. In the result, this Civil Miscellaneous Appeal is partly allowed, by scaling down the Compensation from Rs.15,89,000/- to Rs.15,00,000/- with interest @ 7.5% per annum from the date of petition till the date of deposit. The appellant Insurance Company is directed to deposit the modified amount with interest, if not deposited already. On deposit, the claimants are entitled to withdraw the same. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar(CSV)

True Copy

Sub-Assistant Registrar

To

1.The Principal District Judge I
Motor Accident Claims Tribunal,
Perambalur.

+1 cc to Mr.V.Raghupathi Advocate sr 16632

CMA.No.724 of 2017

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