

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2017

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

C.M.A.No.899 of 2017

1. M/s.Oriental Insurance Co. Ltd.
Rep. by its Branch Manager,
Ranipet.1st Appellant/2nd Respondent
2. M/s.Oriental Insurance Co. Ltd.,
Rep. by its Branch Manager,
Bangalore.2nd Appellant/4th Respondent

versus

1. Munisamy
2. Rajammal
3. Minor Deepa Respondents 1 to 3/Petitioners
4. V.Santhi 4th respondent/1st respondent
5. C.A.Udhayakumar 5th respondent/3rd respondent

Prayer : This Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree dated 17.06.2003 made in M.C.O.P.No.316 of 2002 on the file of the Motor Accident Claims Tribunal (Subordinate Judge), Krishnagiri.

For Appellant : Mrs.R.Sreevidhya

JUDGMENT

In respect of death of one Raja, the parents and sister of the deceased filed a claim petition in M.C.O.P.No.316 of 2002 before the Motor Accident Claims Tribunal (Subordinate Judge), Krishnagiri, claiming compensation of Rs.9,00,000/-.

2. As against the claim made, the Tribunal has awarded a sum of Rs.4,42,500/- as compensation, payable with interest at the rate of 9% p.a. from the date of petition till the date of deposit.

3. Challenging the quantum of compensation, this appeal has been filed by the Insurance Company.

4. The deceased was aged 21 years, a driver, earning a sum of Rs.4,000/- p.m. Monthly income has been fixed at Rs.3,000/-;

deducting 1/3rd towards personal expenses and adopting multiplier of 17, loss of dependency has been calculated at Rs.4,08,000/-; loss of love and affection has been awarded at Rs.5,000/- to each of the petitioners (Rs.5,000 x 3 = Rs.15,000/-); loss of expectation of life has been awarded at Rs.5,000/- to each of the petitioners (Rs.5,000 x 3 = Rs.15,000/-); cremation expenses has been awarded at Rs.2,500/-; transport expenses has been awarded at Rs.2,000/-; the total award is at Rs.4,42,500/-.

5. The learned counsel appearing for the appellant would submit that the compensation awarded towards loss of dependency is excessive.

6. It is relevant to point out that the Tribunal did not take future prospective increase in income while quantifying the compensation, as the deceased was aged only 21 years. Therefore, the award cannot be said to be excessive.

7. Hence, this Civil Miscellaneous Appeal is dismissed, confirming the award dated 17.06.2003 passed in M.C.O.P.No.316 of 2002 by the Motor Accident Claims Tribunal (Subordinate Judge), Krishnagiri.

8. The Insurance Company shall deposit the entire amount of compensation along with interest at the rate of 9% p.a. from the date of petition till the date of deposit, less the amount already deposited if any, within a period of six weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the major claimants are permitted to withdraw their share of the amount as per the apportionment made by the Tribunal. The minor claimant would have attained majority as on date. Hence, the Tribunal shall permit the minor claimant to withdraw her share of the amount on producing necessary documents. No costs.

Sd/-

Assistant Registrar(CS V)

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Sub Assistant Registrar

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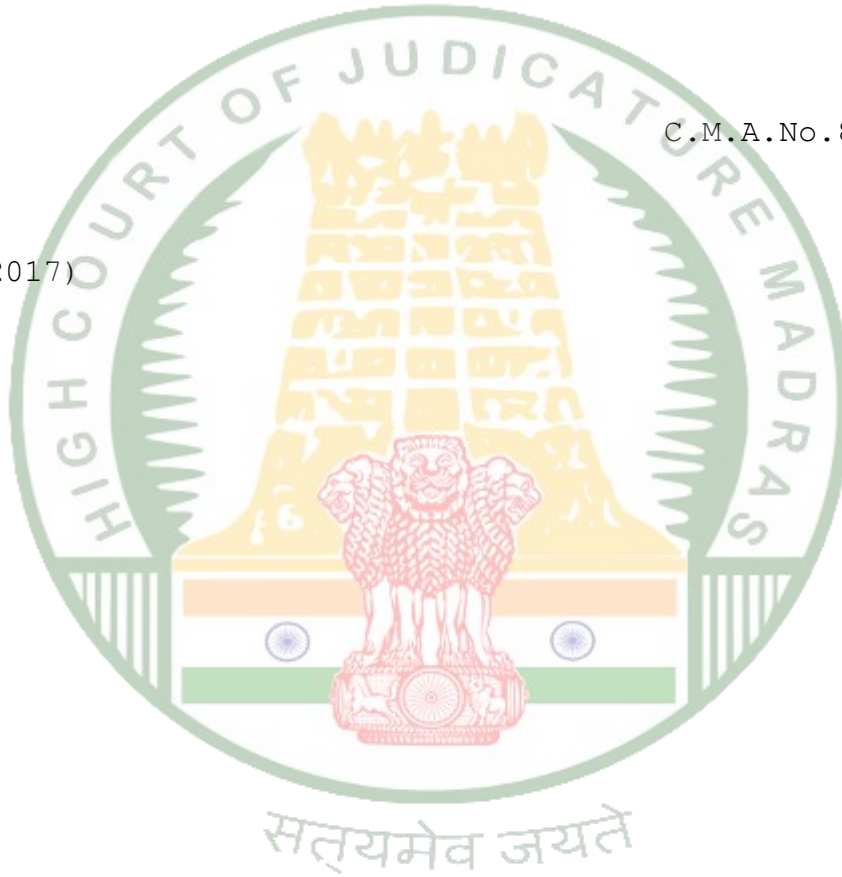
1. The Motor Accident Claims Tribunal
(Subordinate Judge), Krishnagiri.

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The Section Officer
VR Section,
High Court,
Madras.

C.M.A.No.899 of 2017

SCD(CO)
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