

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2017

CORAM : THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

CMA.No.783 of 2003

1.Padma

2.Minor Uma

3.Minor Rama

4.Minor Muthu Ganesh
Minors rep. by Mother/
1st appellant Padma

...Appellants/Claimants

Vs.

1.The New India Assurance Co. Ltd.,
Bombay - 400 021.

2.The Managing Director
Anna Transport Corporation Ltd.,

3.Seeni

4.Nagammal

5.Manjir Kaur

(Respondents 2 & 3 are given up as
unnecessary parties) ... Respondents/Respondents 2to 6

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 05.12.1997 made in MCOP.No.1323 of 1991 on the file of the Motor Accidents Claims Tribunal (II Additional District Judge (In-charge)), Salem.

For Appellants

:Ms.Zeenath Begum
for Mr.T.Muruga Manickam

For Respondents

:Mr.J.Chandran [for R1]
R2 & R3 - Given up

JUDGMENT

1.The claimants who have lost their breadwinner in a road accident involving a passenger bus and a lorry on 12.04.1991, have come forward with this appeal seeking enhancement of compensation.

2.The deceased was a Grade-I police constable, aged 40 years at the time of accident, and according to Ext.P3, salary certificate, he was earning Rs.1,407/- per month. The Tribunal has awarded a consolidated amount of Rs.1,50,000/- and directed the owner and insurance company of the lorry to pay the sum with interest at 12% per annum.

3.In arriving at the same, the Tribunal has reckoned the value of support that the deceased might have to provide to his family at Rs.1,000/- per month and applied 15 as multiplier and arrived at a total sum of Rs.1,80,000/-, from which Rs.40,000/- was discounted towards lump sum payment and arrived at the end value of dependency at Rs.1,40,000/-. On other non-pecuniary heads it granted Rs.10,000/- towards loss of consortium and awarded a total compensation of Rs.1,50,000/- with interest at 12% per annum from the date of claim petition.

4. I restore Rs.1,80,000/- towards loss of dependency that was originally fixed by the Tribunal, to which I add Rs.25,000/- towards loss of consortium for the first claimant (wife) and Rs.20,000/- each towards loss of love and affection for three children. Accordingly, the claim amount is enhanced from Rs.1,50,000/- to Rs.2,65,000/- and the same has been tabulated below :

Heads	Amount enhanced (Rs.)
Loss of dependency	1,80,000.00
Loss of consortium	25,000.00
Loss of love and affection for three children @ Rs.20,000/- each	60,000.00
Total :	2,65,000.00

5. The learned counsel for the Insurance Company submitted that the Tribunal has awarded 12% interest for an accident that had happened in the year 1991 and the present rate of interest is only around 6%. Therefore, to grant an interest at flat rate that was prevailing at that time would be inequitable. I find some merit in the submissions. Accordingly, the appellants are entitled to interest only at 7.5% per annum.

6. In the result, this appeal is partially allowed. The first respondent /Insurance Company is directed to deposit the enhanced award amount, less if any already deposited, within four weeks from the date of receipt of a copy of this order, and on such deposit, the claimants are entitled to withdraw it forthwith. No costs.

sd/
Assistant Registrar

/true copy/

Sub Assistant Registrar

To

1.The Motor Accidents Claims Tribunal
II Additional District Court
Salem.

2.The Section Officer,
VR Section, High Court, Madras.

+1cc to Mr.J.Chandran, Advocate SR.No.1895

+1cc to Mr.T.Muruga Manickam, Advocate SR.No.1381

RSY(CO)
GN(17/02/2017)

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