

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2017

CORAM : THE HON'BLE Mr.JUSTICE N.SESHASAYEE

C.M.A.No.941 of 2004

1.R.Sasikala
2. R.Maharaj
3.R.Manjuri
4.K.Alamelu @ Pappa
5.M.Kamaraj ... Appellants/Petitioners

(Appellants 2 & 3 are declared as major
and the 1st appellant is discharged from the
guardianship of the 2 & 3 appellants vide
order of Court dated 30.7.2007 made in
CMP.Nos.2049 & 2050 of 2007)

Vs

1.H.Mohanlal
2.The Registrar ,
Board of Revenue for Rajasthan,
Ajmer, Rajasthan State - 335 001.
3.The District Collector,
Pool District,
Pool Office,
Sri Ganga Nagar,
Rajasthan State - 335 001. ...Respondents/Respondents

Prayer : Civil Miscellaneous Appeal preferred under
Section 173 of the Motor Vehicles Act against the fair and
decretal order passed in MCOP.No.980 of 1997 by the Motor
Accidents Claims Tribunal at Coimbatore (Additional District
and Sessions Judge, Fast Track Court, No.3, Coimbatore)
dated 13.08.2003.

For Appellants : Mr.S.Gunalan
for Mr.D.Venkatesh
For Respondents : No appearance

JUDGMENT

In a road accident that took place on 24.08.1996 at about
2.30 p.m., one K.Rengaraj aged 37 years and working as a
Naib Subedar in Indian Army was fatally hit by a jeep
belonging to the State of Rajasthan (respondents 2 & 3) when
the deceased was riding his motor cycle. His widow and
legal representatives had therefore approached the Tribunal
seeking a claim for Rs.16,00,000/-, against which the
Tribunal has awarded Rs.4,59,500/- with interest @ 9% per

annum.

2. The learned counsel for the appellants submitted that the Tribunal has first stated that the deceased would have been earning Rs.12,000/- per month and proceeded to state that the annual loss of dependency of the petitioners/appellants is Rs.30,000/-. It is not known by what formula the Tribunal had arrived at the loss of dependency at the sum stated. Again it has applied an unique formula $[Rs.3,60,000/24,000 \times 30000]$ and arrived at the compensation for loss of life of Rengaraj at Rs.4,50,000/-. It has granted nothing towards loss of consortium, love and affection, pain and mental agony etc., Therefore, an inference with the award is warranted and enhancement have to be given on both pecuniary and non-pecuniary heads of compensation.

3. I find merit in the submissions made by the learned counsel for the appellants. The Tribunal has considered certain facts such as the age of superannuation, future prospects for employment which an ex-serviceman is entitled to etc., still it has not quantified any specific amount regarding the income of the deceased. While Ex.P.7 - salary certificate shows that the deceased was earning Rs.4,683/- per month, P.W.1, the widow of the deceased had deposed before the Court that her late husband's colleagues were earning Rs.12,000/- per month. Taking into consideration the age of superannuation and the future prospects for an employee, even after his discharge from services fixing Rs.10,000/- per month would be reasonable. After deducting 1/4th towards his personal expenditure, his monthly contribution to the family would be Rs.7,500/-. Accordingly the entire compensation payable is reworked as below :

Heads	Amount (Rs.)
Loss of dependency (Rs.7,200/- x 12 x 16)	14,40,000/-
Loss of consortium	1,00,000/-
Loss of love and affection to both children @ Rs.1,00,000/- each	2,00,000/-
Compensation for shock and mental agony to two children & widow @ Rs.10,000/- each	30,000/-
Loss of affection to parents @ Rs.25,000/- each	50,000/-
Total :	18,20,000/-

5. Therefore, the appellants/claimants are entitled for compensation at Rs.18,20,000/- with interest 9% per annum. The respondents are directed to deposit the same within four weeks from the date of receipt of a copy of this order

whereupon the claimants are permitted to withdraw the same forthwith. The claimants shall pay necessary court fee on the enhanced compensation. The appeal is allowed to the extent indicated above. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

ds

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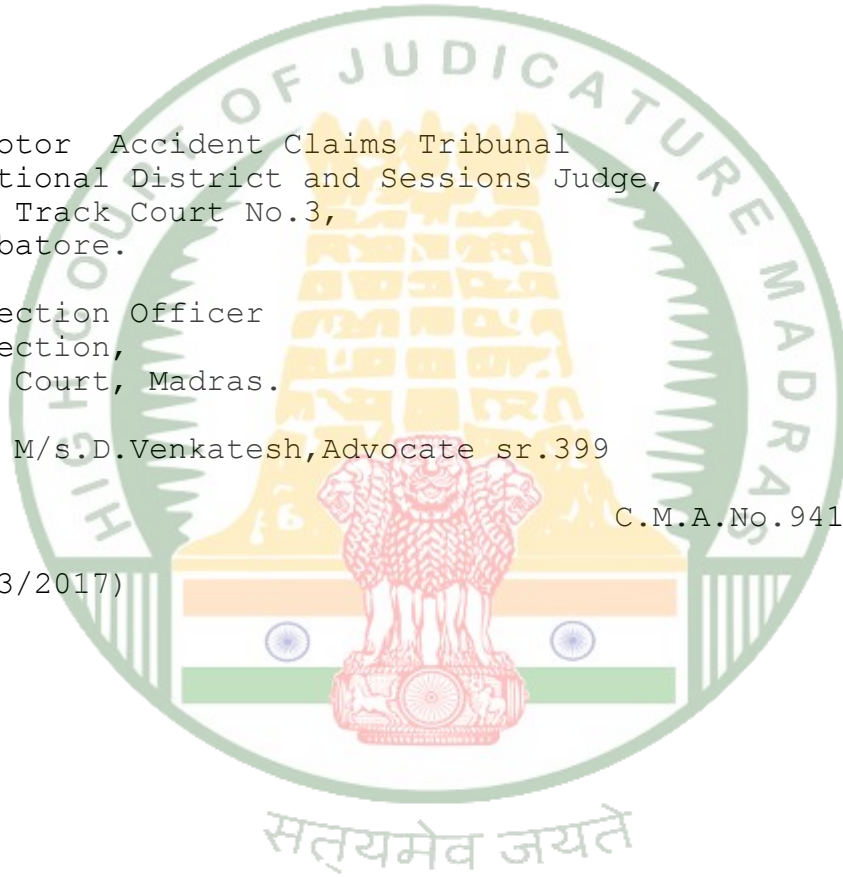
1.The Motor Accident Claims Tribunal
Additional District and Sessions Judge,
Fast Track Court No.3,
Coimbatore.

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

+1cc to M/s.D.Venkatesh,Advocate sr.399

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