

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2017

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALAC.M.A. No.1793 of 2017
(C.M.A.SR No.63101 of 2012)C.M.P. No.9609 of 2017

The Divisional Manager,
National Insurance Co. Ltd.,
No.7, Raja Street,
Erode.

.. Appellant.

Versus

1.Thangaraj
2.Tamilarasi
3.Thennarasi
4. Mangaryarkarasi
5. T.S.Chinnappan

.. Respondents

PRAYER : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and decree dated 30.09.2010 made in M.C.O.P. No.289 of 2003 on the file of the Motor Accident Claims Tribunal, Sub Court, Ariyalur.

For Appellant : Mr.K.Padmanabhan

JUDGMENT

The petition to condone the delay is considered along with the merits of the matter. This appeal has been filed by the insurance company challenging the quantum of compensation as excessive.

2. Whether the age of the surviving parents or the age of the deceased should be the criteria to decide the multiplier to be adopted is the issue raised in this appeal?

3. The claimants have filed the claim petition for compensation in respect of death of Karupiah, aged 21 years and he was an employee in a mill, earning a sum of Rs.3,000/-p.m. . He died in an accident on 24.10.2003. The claimants are the parents, elder sister and younger sister, claiming a sum of Rs.10,00,000/- as compensation.

4. The Tribunal on consideration of oral and documentary evidence has granted an award for a sum of Rs.3,87,200/-. To appreciate the contention regarding quantum in the legal parlance, it is necessary to consider the parameters based on which the Tribunal has passed an award.

5. Considering the age of the deceased as 21, the Tribunal has taken the monthly income of Rs.2,700/- and deducting 1/3 towards personal expenses adopting multiplier of 17, the loss of dependency has been calculated.

6. It is the contention of the insurance company that when the surviving claimants are aged 55 years and 47 years, the multiplier of 17 ought not to have been adopted.

7. It is settled law, it is only the age of the deceased, which is material to decide the multiplier and not the age of the parents. The Tribunal has rightly adopted the multiplier of 17.

8. Under these circumstances, there are no grounds to interfere in the appeal and on merits, the appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

9. The appellant / Insurance Company is directed to deposit the amount along with interest @ 7.5% per annum from the date of petition till the date of deposit as ordered by the Tribunal, less the amount already deposited, if any, before the Tribunal within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit being made, the Tribunal is directed to transfer the award amount directly to the bank account of the claimants through RTGS within a period of two weeks thereafter.

14.06.2017

Speaking / Non speaking
vsi2

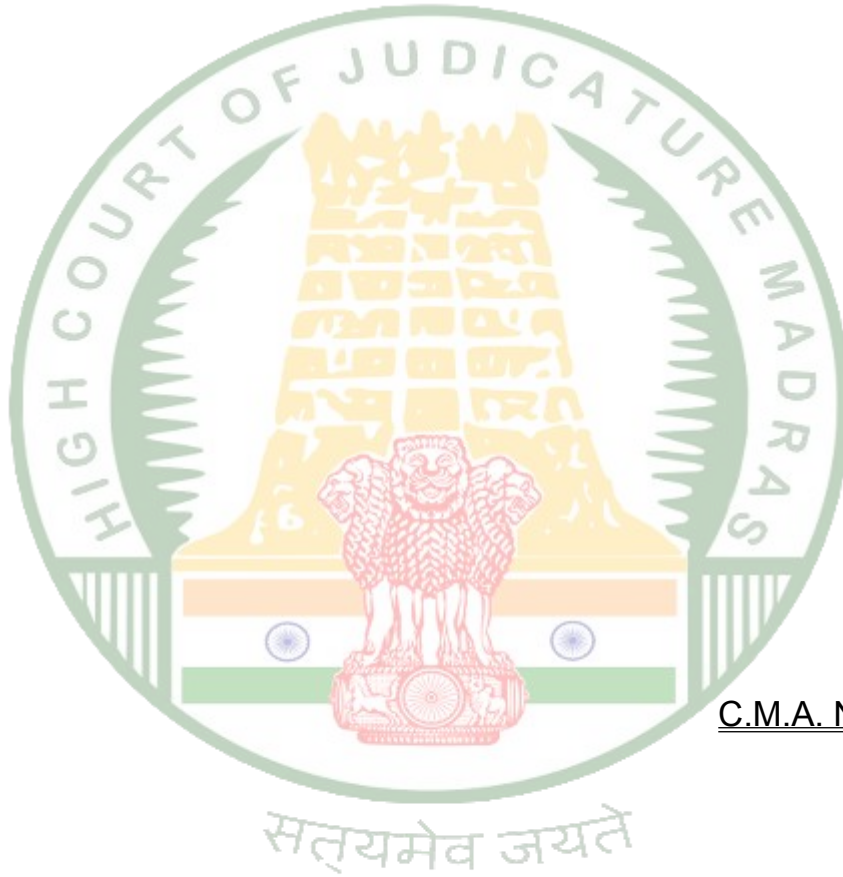
To

1. The Motor Accident Claims Tribunal,
Sub Court, Ariyalur.

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Dr.S.VIMALA J.
vsi2

2. The Section Officer,
V.R. Section, High Court, Madras – 104.



C.M.A. No.1793 of 2017

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