

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
AND
THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.M.A.NO.2237 OF 2017
AND CMP NO.11842 OF 2017

The Divisional Manager
M/s.Royal Sundaram Alliance
Insurance Co. Ltd.,
No.127, II Floor, Natesan Towers,
Natesan Nagar, Ellaipillaichavady,
Puducherry.

... Appellant

1.Santha
2.Velu
3.Lakshmi
4.T.Murugan

Versus

... Respondents

सत्यमेव जयते

PRAYER: Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 11.03.2014 passed in MCOP No.741 of 2011 by the Motor Accidents Claims Tribunal, II Additional District Court, Presiding Officer, Pondicherry.

For Appellant : Mr.N.Vijayaraghavan

J U D G M E N T

(JUDGMENT OF THE COURT WAS MADE BY S.MANIKUMAR, J.)

In the accident, which occurred on 24.07.2011, a 27 years old man died. Claiming that he was a Mason and earned Rs.14,000/- per month, mother, brother and sister of the deceased, joined together and filed MCOP No.741 of 2011, on the file of the Motor Accidents Claims Tribunal (II Additional District Judge / Presiding Officer) Pondicherry, claiming compensation of Rs.15,00,000/-, under various heads.

2. Though M/s.Royal Sundaram Alliance Insurance Company Limited opposed the claim, on the grounds *inter alia* denying negligence, consequently liability, and without prejudice to the same, the quantum of compensation claimed under various heads, on evaluation of pleadings and evidence, the Tribunal held that the Driver of the Lorry, bearing Registration No.TN32-E-3438, insured with M/s.Royal Sundaram Alliance Insurance Company Limited, Pondicherry, was negligent in causing the accident, and consequently, fastened liability.

3. Based on Ex.P8 - identity card, Ex.P9 - salary certificate and the oral testimony of P.W.1 and P.W.3, the Tribunal fixed the monthly income of the deceased as Rs.14,400/-. As the deceased was a bachelor, Tribunal adopted the multiplier applicable to the age of the mother, and accordingly, computed loss of income to the family as Rs.21,84,000/- (Rs.14,000 X 12 X 13). In the said amount, 1/3rd has been deducted towards the personal and living expenses of the deceased and the remaining amount of Rs.14,56,000/- was awarded as pecuniary loss.

4. That apart, the Tribunal has awarded Rs.10,000/- for funeral expenses; Rs.2,000/- under the head loss of estate. Altogether, the Tribunal awarded Rs.14,68,500/-.

5. Though in the instant appeal, Royal Sundaram Alliance Insurance Company Limited, appellant herein, has challenged the quantum of compensation, as excessive, going through the award, we are of the view that the Tribunal has erred in applying the multiplier applicable to the age of the mother. Quantum of compensation awarded under the head funeral expenses and loss of estate is less. There is no award under the head loss of love and affection. Submission made by Mr.N.Vijayaraghavan, learned counsel for appellant/ insurance

company, for reduction is feeble, as award is not exorbitant.

6. In fine, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

7. The appellant - insurance company is directed to deposit the entire award amount, with proportionate interest at the rate of 7.5% per annum and costs, from the date of petition, till the date of realization, within a period of four weeks from the date of receipt of a copy of this order, to the credit of MCOP No.741 of 2011, on the file of Motor Accidents Claims Tribunal [II Additional District Court] Pondicherry. On such deposit being made, the respondent nos.1 to 3 / claimants are permitted to withdraw their respective shares, on filing proper applications before the Tribunal.

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[S.M.K., J.] [M.G.R., J.]

15.06.2017

To

The Motor Accidents Claims Tribunal
(II Additional District Judge)
Pondicherry.

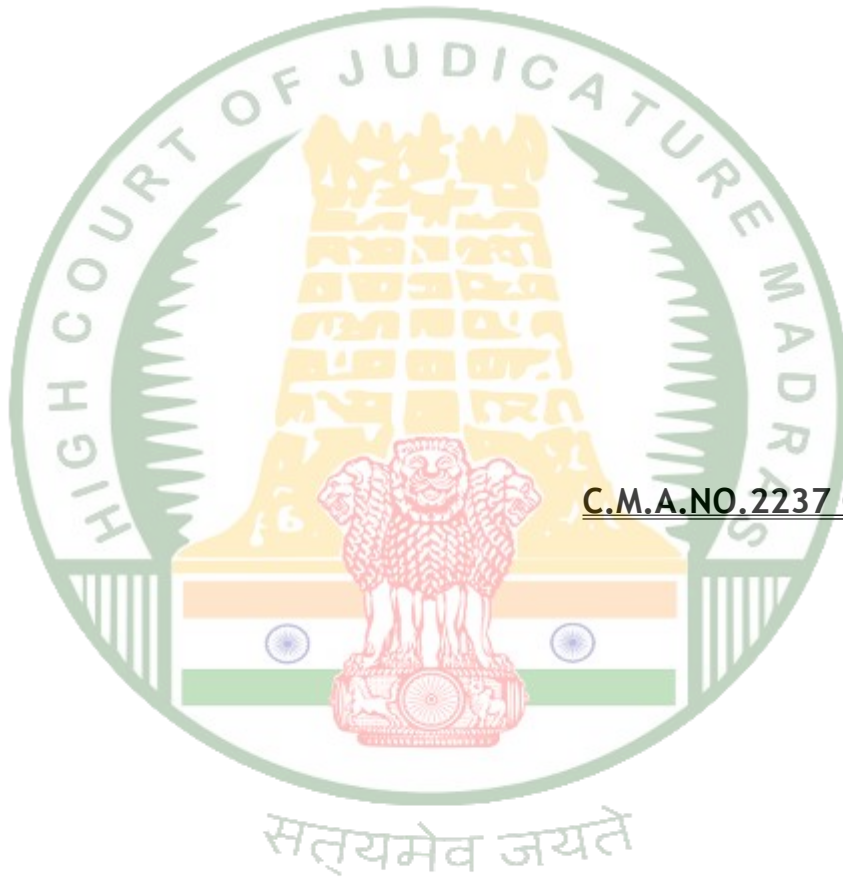


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S.MANIKUMAR, J.
AND

M.GOVINDARAJ, J.

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