



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.11.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.127 of 2015

1.Muthiah Nadar

2.Thangakani

... Appellants/Petitioners

Vs.

1. Babu

2. The Oriental Insurance Co.Ltd.,
Through its Divisional Manager,
Bali Towers First Floor,
No.1, Abdul Razack Street,
Saidapet,
Chennai-600 015.

... Respondents/Respondents

Prayer: This Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree made in M.C.O.P.No.1278 of 2012 on the file of the Motor Accident Claims Tribunal, (IV Additional District Judge) Tirunelveli, dated 08.03.2013.

For Appellants	: Mr.T.Selvakumaran
For Respondent No.1	: No appearance
For Respondent No.2	: Mr.G.Ganesh Kumar

JUDGMENT

Heard the learned counsel on either side.

2.The claimants have filed this appeal seeking enhancement of the compensation fixed by the Tribunal. The Tribunal has awarded a sum of Rs.6,22,000/-. It took the age of the dependants into consideration and applied multiplier 5. As per the decision of the Hon'ble Supreme Court in **National Insurance Company Limited Vs. Pranay Sethi and Ors.** dated 31.10.2017, it is the age of the deceased that should be taken into account. In this case, the age of deceased was 24 years. Therefore, the multiplier should be 18. The deceased was an engineer. He was working in a private company and getting fixed salary. The Tribunal came to the conclusion that he would have definitely earned a sum of Rs.15,000/- per month.

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3.The learned counsel appearing for the claimants would fairly stated that adding future prospects, the income of the deceased

could be fixed at Rs.14,000/-. Since the deceased was a bachelor, this has to be reduced by 50%. Therefore, the pecuniary loss to the family is quantified as Rs.15,12,000/- .

Sl.No.	Heads	Amounts in Rupees
1.	For pecuniary loss	Rs.15,12,000/-
2.	For funeral expenses	Rs. 15,000/-
3.	For loss of estate	Rs. 15,000/-
4.	For loss of love and affection	. 80,000/-
	Total	Rs.16,22,000/-

4. Therefore the compensation payable to the claimants will have to be enhanced from Rs.6,22,000/- to Rs.16,22,000/-. The award made in M.C.O.P.No.1278 of 2012 on the file of the Motor Accident Claims Tribunal Authority (IV Additional District Judge), Tirunelveli, dated 08.03.2013 is modified accordingly.

5. The second respondent is directed to deposit the entire compensation amount of Rs.16,22,000/- with interest at the rate of 7.5% per annum with costs, from the date of petition till the date of realization, within a period of eight weeks from the date of receipt of a copy of this order, less the amount already deposited, if any. On such deposit, the claimants are entitled to withdraw the same, as apportioned by the Tribunal, less the amount already withdrawn by them, if any, by filing proper application before the Tribunal.

6. This Civil Miscellaneous Appeal is partly allowed. No costs.

Sd/-
Assistant Registrar (Records)

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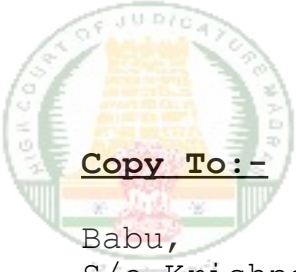
Sub Assistant Registrar

To

1. The IV Additional District Judge,
Motor Accident Claims Tribunal,
(IV Additional District Court),
Tirunelveli.

2. The Record Keeper,
Vernacular Section,

<https://hcservices.courts.gov.in/hcservices/> of Madras High Court,
Madurai.



Copy To:-

Babu,
S/o.Krishnamoorthy,
No.56, Othavadai Street,
Anna Nagar,
Vellore - 632 001.

+ 1 CC TO Mr.T.SELVAKUMARAN, ADVOCATE IN SR No. 87139
+ 1 CC TO Mr.C.JAWAHAR RAVINDRAN, ADVOCATE IN SR No. 86712

TSG/PSD

TE/JC/SAR-1 : 13/12/2017 : 3P/6C

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