



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CMA(MD)No.1011 of 2017

1.R.Marimuthu
2.M.Samuthirakani
3.Minor M.Muthu Malathi
4.Minor M.Muthumalai
5.Minor M.Essakiammal
6.Minor M.Muthu Essaki ... Appellants/Claimants
(3 to 6 minors are rep.by
father and next friend,
1st appellant)

Vs.

1.S.Shanmugam
2.National Insurance Company Ltd,
378, Mint Street,
Chennai - 600 079. ... Respondents/Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 04.09.2013 made in MCOP.No.72 of 2013 on the file of the Motor Accident Claims Tribunal, I Additional District Judge, Tuticorin.

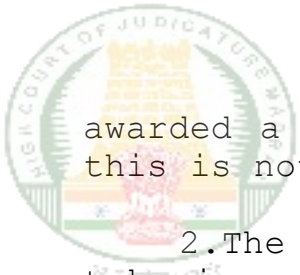
For Appellants : Mr.S.Siva Thilakar

For Respondents : S.Srinivasaraghavan for R2

R1-No appearance

JUDGMENT

The claimants have filed this appeal seeking enhancement of the compensation awarded to them. The deceased Muthumadasamy was aged 18 years. On 06.11.2012 in Tuticorin - Tiruchendur main road, he was travelling as a pillion rider in a two wheeler when the lorry belonging to the first respondent and insured with the second respondent caused the accident in question. The said Muthumadasamy died. The parents and the four minor sisters filed MCOP.No.72 of 2013 on the file of the Motor Accident Claims Tribunal, I Additional District Judge, Tuticorin. The Tribunal



awarded a sum of Rs.4,20,000/- as compensation. Contending that this is not adequate, this appeal has been filed.

2.The deceased was aged 18 years. Therefore, this Court can take income notionally at Rs.30,000/- per annum. Considering his age, the question of deduction will not arise. Therefore, the pecuniary loss for the family will be Rs.5,40,000/-. A sum of Rs.1,20,000/- is awarded towards loss of love and affection. A sum of Rs.30,000/- can be awarded towards loss of estate and funeral expenses. A sum of Rs.10,000/- can be awarded towards transportation charges.

3.Thus, the compensation payable to the claimants is quantified at Rs.7,00,000/-. The award dated 04.09.2013 made in MCOP.No.72 of 2013 on the file of the Motor Accident Claims Tribunal, I Additional District Judge, Tuticorin is modified.

4.The second respondent insurance company is directed to deposit the sum of Rs.7,00,000/- with interest at the rate of 7.5% per annum, from the date of petition till the date of realization and costs, 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 first and second claimants are entitled to withdraw a sum of Rs.3,50,000/- each, by filing proper application, less the amount already withdrawn by them, if any.

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

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The 1st Additional District Judge,
Motor Accident Claims Tribunal, Tuticorin.
2. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.(2 copies)

- +1. C.C. to M/S.S.Siva Thilakar, Advocate, SR.No.92965
+1. C.C. to M/S.S.Srinivasa Ragavan, Advocate, SR.No.93487

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