



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2017

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WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) .No.105 of 2016

1.Lakshmi
2.P.Ashokkumar
3.P.Anandakumar
4.P.Arunkumar
5.Guruvammal

... Appellants/Petitioners

Vs.

1.C.Ramachandran

2.The Divisional Manager,
United India Insurance Co.Ltd.,
7-A, West Veli Street,
Madurai.

... Respondents/Respondents

Prayer:- Civil Miscellaneous Appeals filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree in M.C.O.P.No.477 of 2014 on the file of the Motor Accident Claims Tribunal/Special District Judge for MCOP Cases, Madurai, dated 09.09.2015.

For Appellants	: Mr.K.Kumaravel
For R1	: No appearance
For R2	: Mr.N.Sivakumar

JUDGMENT

Heard the learned counsel on either side.

2.The claimants have filed this appeal seeking enhancement of the compensation payable to them.

3.One Palanichamy, husband of the first claimant and father of the claimants 2 to 4 and son of the fifth claimant died in an accident on 27.01.2014. Even though, the claimants marked Ex.P.11 to show that the deceased was earning a sum of Rs.8779/- per month, the Tribunal chose to fix his monthly income at RS.6,000/- per month. The deceased was in fact holding an Employees' State Insurance card. The contribution was being paid

for him. I am fully satisfied that the deceased was earning a monthly salary of Rs.8,779/- from his employer Arun Alloy Steel Private Limited. Since, he was aged about 51 years, future prospects at the rate of 10% will have to be added. Therefore, the monthly income for computation purpose will have to be taken as Rs.9,657/-. The relevant multiplier will be 11. Since the defendants are five in number, there can be only 1/4th deduction. Therefore, the monthly income available for the family will be Rs.7242/-

4.The compensation payable to the claimants will have to be reworked as under:-

Sl.No	Heads	Amount in Rupees
1.	For Pecuniary loss	Rs. 9,55,680/-
2.	For loss of consortium and loss of love and affection	Rs. 2,00,000/-
3.	For funeral expenses	Rs. 15,000/-
4.	For loss of estate	Rs. 15,000/-
	Total	Rs.11,85,680/-

5.The compensation payable to the claimants is enhanced from Rs.7,24,000/- to Rs.11,85,680/- The award dated 09.09.2015, made in M.C.O.P.No.477 of 2014 on the file of the Motor Accident Claims Tribunal/Special District Judge for MCOP Cases, Madurai, is modified accordingly.

8.The first and second respondents are directed to deposit the compensation amount of Rs.11,85,680/- 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 judgment, less the amount already deposited, if any. On such deposit, the appellants/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.

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

Sd/-

Assistant Registrar(CS-III)

/True Copy/



To

1. The Special District Judge for MCOP cases,
Madurai.

Copy to:

1.MR.C.Ramachandran,
S/o.Chelliah Ambalam,
Plot No.636, K.K.Nager , Madurai.

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

+ 1 cc TO Mr.K.Kumaravel , Advocate in SR No. 91182
+ 1 cc TO Mr.N.Sivakumar , Advocate in SR No. 91606

tsg/ls

AE/KK/SAR3/12.03.2018/3P/7C

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