



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.1129 of 2015

and

M.P. (MD) No.4 of 2015

1.The United India Insurance Company Limited,
Erode, represented by its Branch Manager,
1170, Valli Complex, 2nd Floor,
151 A, Metty Road, Erode.

2.The United India Insurance Company Limited,
Mayiladuthurai, represented by its Branch Manager,
No.2 Road, Mayiladuthurai.

... Appellants

Vs.

1.Gomathi
2.Vaishnavi
3.Sornamma @ Sornathammal
4.Pitchaiyammal
5.Abdul Azeez

... Respondents

(R2 declared as major and guardian
stands discharged vide Court order
dated 27.04.2017 made in CMP(MD)No.
3274 of 2017 in CMA(MD)No.1129 of 2015)

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and degree dated 19.11.2013 made in M.C.O.P No.688 of 2007 on the file of the Motor Accidents Claims Tribunal, Additional Subordinate Court, Kumbakonam.

For Appellants : Mr.J.S.Murali

For Respondents : Mr.S.Raja Prabhu for R1 to R3
R4 and R5 Exparte.

JUDGMENT

Heard the learned counsel on either side.



No.688 of 2007 on the file of the Motor Accidents Claims Tribunal, Additional Subordinate Court, Kumbakonam on the ground of quantum.

3.The deceased was a weaver by profession. He was aged about 37 years. The accident took place in the year 2007. Therefore the monthly income can be fixed at Rs.6,000/-. After adding 40% future prospects, the monthly income available for the family is Rs.8400/-. After making one third deduction, the pecuniary loss would come to Rs.10,08,000/- (5600x12x15). For loss of love and affection and for loss of estate and funeral expenses a further sum of Rs.70,000/- can be awarded. Therefore, the compensation payable to the claimants will be quantified at Rs.10,78,000/-.

4.The award dated 19.11.2013 made in M.C.O.P No.688 of 2007 on the file of the Motor Accidents Claims Tribunal, Additional Subordinate Court, Kumbakonam is accordingly modified.

5.The appellant insurance company is directed to deposit the entire compensation amount 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 claimants are entitled to withdraw the same by filing proper application as apportioned by the Tribunal, less the amount already withdrawn by them, if any.

6.This Civil Miscellaneous Appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1.The Motor Accidents Claims Tribunal,
Additional Subordinate Court, Kumbakonam.

2.The Record Keeper, VR Section
Madurai Bench of Madras High Court, Madurai.

+1CC TO M/S.J.S.MURALI, ADVOCATE, SR NO.85615

+1CC TO M/S.S.RAJAPRABU, ADVOCATE, SR NO.85670

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