



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2017

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.1284 of 2015

and

M.P. (MD) .No.1 of 2015

The Divisional Manager,
Royal Sundaram Alliance Insurance,
Company Limited,
No.46, Whites Road,
Royapettah, Chennai-600 014.

... Appellant/Respondent No.2

Vs.

- 1.Uma Maheswari
- 2.Minor Renga Aravind
(Represented by mother and guardian
1st respondent herein)
- 3.Duraisamy (Died)
- 4.Saraswathi
- 5.Senthilnayagam
- 6.Pushpa Mani
- 7.Thamaraiselvi
- 8.Ashokan
- 9.Vasuki

... Respondents 1 to 4/Petitioner

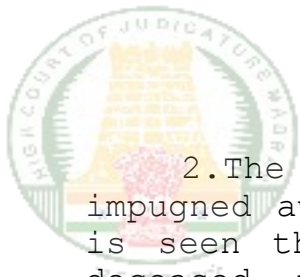
... 5th Respondent/1st Respondent

(R6 to R9 are brought on record as LRS of
the deceased R3, and R1, R2 to R4 are also
recorded as LRS of deceased R3, as per the
Order of this Court dated 10.03.2017 made
in C.M.P(MD).No.787 & 788 of 2017 in
C.M.A. (MD) .No.1284 of 2015)

... Respondents 6 to 9

Prayer: This Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the fair and decreetal order dated 20.07.2015 made in M.C.O.P.No.100 of 2013 on the file of the Motor Accidents Claims Tribunal/Additional District Court, Ramanathapuram.

For Appellant : Mr.S.Srinivasa Raghavan
For Respondents : Mr.S.Ramesh for
Mr.V.Raghavachari for R1 to R4 & R6 to R9
R5-No Appearance



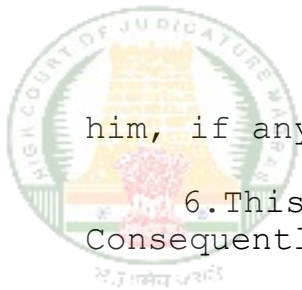
2.The Insurance Company has filed this appeal questioning the impugned award on the ground of negligence as well as quantum. It is seen that in support of their pleadings of negligence on the deceased, no evidence was let in before the Tribunal. Therefore, I am in a position to agree with the learned counsel of the appellant in this regard. Coming to the issue of quantum, it is seen that the deceased was aged 40 years and he was a self employed person. Therefore the monthly income has to be taken as Rs.6,500/-. By applying the judgment of the Hon'ble Supreme Court in the decision held in **National Insurance Company Limited Vs. Pranay Sethi and Ors.** dated 31.10.2007, 25% will have to be added towards future prospects. Since there are four dependants, 1/4th deduction has to be made. Therefore the monthly income available for the family would be at Rs.6,100/-X12X14=Rs.10,24,800/-. The pecuniary loss would be Rs.10,24,800/-. Rs.15,000/- can be awarded towards loss of life estate. Rs.15,000/- can be awarded towards funeral expenses. Rs.40,000/- can be awarded towards loss of consortium. For loss of love and affection Rs.2,00,000/- can be awarded. For transport expenses Rs.10,000/- can be awarded. For medical expenses Rs.13,77,125/- can be awarded.

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

Sl.No	Heads	Amount in Rupees
1.	For pecuniary loss	Rs. 10,24,800/-
2.	For loss of life estate	Rs. 15,000/-
3.	For funeral expenses	Rs. 15,000/-
4.	For loss of consortium	s. 40,000/-
5.	For loss of love and affection	Rs. 2,00,000/-
6.	For transport expenses	Rs. 10,000/-
7.	For medical expenses	Rs. 13,77,125/-
	Total	Rs. 26,81,925/-

4.Therefore the compensation payable to the claimants will have to be reduced from Rs.29,27,125/- to Rs.26,81,925/-. The award made in M.C.O.P.No.100 of 2013 on the file of the Motor Accidents Claims Tribunal/Additional District Court, Ramanathapuram is modified accordingly.

5.The appellant is directed to deposit the entire compensation award amount of Rs.26,81,925/- 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



him, if any, by filing proper application before the Tribunal.

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

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Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To

1. The Additional District Judge,
Motor Accidents Claims Tribunal,
Ramanathapuram.
2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.
3. Senthilnayagam,
S/o. Palaniappan,
No. A7, Spic Nagar,
Tuticorin - 628 005.

+ 1 CC TO Mr. S. SRINIVASA RAGHAVAN, ADVOCATE IN SR No. 85340

+ 1 CC TO Mr. V. RAGHAVACHARI, ADVOCATE IN SR No. 85501

TSG

TE/SV-MMS/SAR-2 : 28/11/2017 : 3P/6C

C.M.A. (MD) No. 1284 of 2015 and
M.P. (MD) No. 1 of 2015
03.11.2017