



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.513 of 2017

1.Chinnaponnu
2.A.Suriyakala
3.A.Sankar
4.A.Sangeetha
5.A.Kavitha

... Appellants/Petitioners

Vs.

1.P.Palpandian
2.The Divisional Manager,
The New India Assurance Company Limited,
No.248-B, Rekha Towers, II Floor,
Kamarajar Salai,
Madurai.

... Respondents/Respondents

(R-1 set exparte before the Trial Court,
Hence, he is given up)

Prayer: This Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the compensation amount in M.C.O.P.No.1 of 2015, on the file of the Motor Accident Claims Tribunal/V Additional District Judge, Madurai dated 29.04.2016.

For Appellants	: Mr.K.Kumaravel
For Respondents	: Mr.G.Prabhu Rajadurai for R2
	: R1-Exparte vide in EB

JUDGMENT

Heard the learned counsel on either side.

2.The legal heirs of the deceased have filed this appeal seeking enhancement of the compensation awarded by the Tribunal. The deceased Arumugam, was aged about 50 years at the time of the accident. His avocation was that of a load man. The accident took place on 30.08.2014. While computing the compensation, the Tribunal fixed the monthly income at Rs.3,000/- This is patently incorrect. No income proof has been filed. The monthly income has to be taken as Rs.6,500/-, if the accident has taken place between 2012-2015.



3.The compensation payable to the claimants will have to be reworked. Deduction has to be taken as $\frac{1}{4}$. The multiplier will be at 13. The pecuniary loss to the family will be Rs.9,50,000/-. A sum of Rs.2,00,000/- will have to be awarded towards loss of consortium and loss of love and affection. A sum of Rs.30,000/- can be awarded towards funeral expenses and loss of estate. The claimants will be entitled to a sum of Rs.11,80,000/-.

4.Therefore the compensation payable to the claimants will have to be enhanced from Rs.3,54,750/- to Rs.11,80,000/-. The award dated 29.04.2016 made in M.C.O.P.No.1 of 2015, on the file of the Motor Accident Claims Tribunal / V Additional District Judge, Madurai, is modified accordingly.

5.The second respondent is directed to deposit the compensation amount of Rs.11,80,000/- 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 six weeks from the date of receipt of a copy of this order, less the amount already deposited, if any. On such deposit, the first appellant will be entitled to a sum of Rs.7,80,000/-. The appellants 2, 3, 4 and 5 will be entitled to a sum of Rs.1,00,000/- each to withdraw the same. The claimants are entitled to withdraw the same, less the amount already withdrawn by them, if any, by filing proper application before the Tribunal.

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

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1.The V Additional District Judge,
Motor Accidents Claims Tribunal, Madurai,

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

+1cc to Mr.G.PRABHU RAJADURAI Advocate in SR. No. 89763

+1cc to Mr.K.KUMARAVEL Advocate in SR. No. 89548

TSG

JS/SV.MMS/SAR.4/29.12.2017/2P-5C