



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHANC.M.A. (MD) No.18 of 2015 and
M.P. (MD) .No.1 of 2015

The Branch Manager,
Oriental Insurance Company Limited,
Door No.158-B,
Pudhu Road,
Kovilpatti 628 501.

... Appellant/Respondent No.2

.Vs.

1.P.Saraswathi
2.P.Suganya
3.P.Kulasekarapandian
4.P.Ramya
5.Paramasivathevar
P.Muthupponnu (died)
6.A.Anthonysamy
(R6 given up)

... Respondents/Petitioners 1 to 6

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the order of the Tribunal of Motor Accidents Claims Tribunal cum Additional District Judge, Fast Track Court, Virudhunagar made in M.C.O.P.No.9 of 2013 dated 20.03.2014.

For Appellant	: Mr.C.Jawahar Ravindran
For R1 & R5	: Mr.S.Ramasamy
For R6	: Given up

JUDGMENT

The Insurance is on appeal questioning the quantum of compensation awarded by the Tribunal. The claimants are the wife, children and parents of the deceased. During the pendency of the proceedings, the mother of the deceased passed away. The deceased was travelling in two-wheeler when a Tata Sumo Victa belonging to the sixth respondent herein dashed against the two-wheeler caused his death. He was working as Electrician in Virudhunagar Municipality. The Tribunal awarded a sum of Rs.19,65,640/- with interest at the rate of 7.5%. Due apportionment was also made. ~~Aggrieved by the quantum,~~ this appeal has been filed by the Insurance Company.



2.The learned counsel appearing for the Insurance company contended that the deceased was working in Virudhunagar Municipality. He was aged 57 years. The annual income was quantified at Rs.2,12,067/-. Since the deceased was aged 57 years and he was a public servant, split multiplier method has to be applied. He had just one more year of service. Since after retirement 50% of the yearly income has to be taken, we must adopt 7 multiplier. Therefore the compensation payable to the claimants will have to be reworked.

Sl.No	Heads	Amount in Rupees
1.	Loss of Income for one year	Rs.2,12,067/-
2..	Loss of Income after retirement 7 multiplier	Rs.7,42,234/-
3.	Loss of Consortium to wife	Rs.1,00,000/-
4.	Loss of Love and affection for three children (Rs.50,000X3)	Rs.1,50,000/-
5.	Transportation Charges	Rs. 10,000/-
6.	Funeral Expenses	Rs. 25,000/-
7.	Loss of love and affection for father	Rs. 25,000/-
	Total	Rs.12,64,301/-

3.Therefore, the compensation awarded by the Tribunal to the tune of Rs.19,65,640/- is reduced to Rs.12,64,300/-

3.Accordingly, the award dated 20.03.2014 made in M.C.O.P.No.9 of 2013 on the file of the Motor Accidents Claims Tribunal cum Additional District Judge, Fast Track Court, Virudhunagar is modified and the appellant is directed to deposit the entire compensation amount within 12 weeks from the date of receipt of a copy of this order along with interest @ 7.5.% per annum and costs from the date of petition till the date of realization, less the amount already deposited, if any. The claimants are entitled to withdraw the the said amount as apportioned by the Tribunal, less the amount already withdrawn by them, if any, by filing proper application before the Tribunal.

4.The Civil Miscellaneous Appeal is partly allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)



To

The Additional District Judge,
Motor Accidents Claims Tribunal,
Fast Track Court,
Virudhunagar.

Copy To:-

The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.C.JAWAHAR RAVINDRAN, ADVOCATE IN SR No. 83921
+ 1 CC TO Mr.S.RAMASAMY, ADVOCATE IN SR No. 84155

TSG/DSS

TE/MR-KKR/SAR-2 : 07/12/2017 : 3P/5C

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