



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.36 of 2015

K.Jayaraman

... Appellant

Vs.

1.Raja

2.M/s.National Insurance Co. Ltd,
Rep.by its Divl. Manager,
Divisional Office,
No.3, North Veli Street,
Madurai - 625 001.

... Respondents

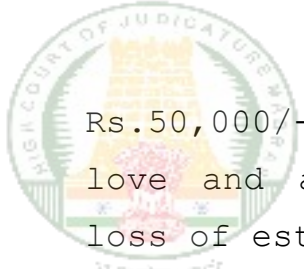
Prayer : This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 28.06.2012 made in MCOP.No.2161 of 2010 passed by the learned VI Addl. District Court (Motor Accidents Claims Tribunal), Madurai.

For Appellant : Mr.A.Theethar
For Respondents : Mr.A.S.Mathialagan for R2

JUDGMENT

The claimant has filed this appeal seeking enhancement of compensation awarded by the Tribunal by order dated dated 28.06.2012 by the learned VI Addl. District Court (Motor Accidents Claims Tribunal), Madurai.

2.The deceased is the mother of the appellant. She was 76 year old. The Tribunal has found that the driver of the offending vehicle was at fault and caused the accident in question. Since the deceased was aged 76 years old, multiplier 5 has to be adopted. Obviously, she was a non earning member. Therefore, the notional income can be fixed at Rs.15,000/- per annum. After making one third deduction, the pecuniary loss will have to be quantified at



Rs.50,000/- . A sum of Rs.50,000/- can be awarded towards loss of love and affection, funeral expenses, transportation charges and loss of estate.

3. Therefore, the compensation payable to the appellant is enhanced from a sum of Rs.50,000/- to Rs.1,00,000/-. The award dated 28.06.2012 made in MCOP.No.2161 of 2010 passed by the learned VI Addl. District Court (Motor Accidents Claims Tribunal), Madurai is modified.

4. The first respondent and the second respondent insurance company are directed to deposit the entire compensation amount jointly and severally, 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 On such deposit being made, the claimant is permitted to withdraw the said sum, less the amount already withdrawn by him, if any, by filing proper application before the Tribunal.

5. This Civil Miscellaneous Appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(AD-I)

/True Copy/

Sub Assistant Registrar

To

1. The VI Addl. District Court
(Motor Accidents Claims Tribunal), Madurai.

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

+1CC to Mr.A.S.MATHIALAGAN, Advocate, SR.No.87702.

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SDS/SKN:RSK/SAR 4/03.01.2018/2P/4C