



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 31.10.2017

CORAM :

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

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C.M.A. (MD) No. 832 of 2017

1. Dharman
2. Mariyammal
3. Chitra
4. Chitravel
5. Ramar

... Appellants

vs

1. A. Anwar Ali

2. Divisional Manager, United India Insurance Company Ltd.,
having office at NO. 61/2694,
1st floor, Indian Bank Upstairs,
South Main Street, Thanjavur.

... Respondents

Prayer: Appeal filed under 173 of Motor Vehicles Act, 1988, against the Fair and Decretal order dated 14.06.2017 made in M.C.O.P.No.1031/2016 on the file of Motor Accidents Claims Tribunal Special District Court, Thanjavur.

For Appellant : Mr. J. Muneerkhan

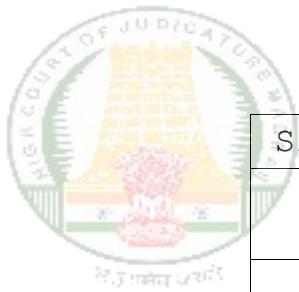
For R1 : No Appearance

For R2 : N. Siva Kumar

JUDGMENT

This Civil Miscellaneous Appeal has been filed by the claimants seeking enhancement of the compensation made in M.C.O.P.No.1031 of 2016 on the file of Motor Accidents Claims Tribunal Special District Court, Thanjavur.

2. The deceased was aged about the 20 years at the time of accident. She was a B.B.A. Final year student. The accident took place in the year 2016. Therefore the monthly income fixed by the Tribunal at Rs.6,000/- on notional basis is not correct. The monthly income ought to have fixed at Rs.10,000/-. The Tribunal made 1/3 deduction. It is not correct. Since the deceased was a spinster, 50% deduction has to be made. Therefore, the compensation payable to the claimant can be re



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Sl.No	Heads	Amount in Rupees
1.	Pecuniary Loss (Rs.5,000 X 12 X 18)	Rs.10,80,000/-
2.	Funeral Expenses	Rs. 25,000/-
3.	Transport Charges	Rs. 10,000/-
4.	For loss of love and affection to the first and second petitioners at Rs.50,000/- each	Rs. 1,00,000/-
	Total=	Rs,12,15,000/-

3.The compensation payable to the claimant is enhanced from Rs.10,09,000/- to Rs.12,15,000/-. The second respondent is directed to pay the said award amount at 7.5% per annum with costs, from the date of petition till the date of realization, within a period of twelve weeks from the date of receipt of a copy of this order, less the amount already deposited, if any. The claimants are permitted to withdraw the entire amount, less the amount as apportioned by the Tribunal, less the amount already withdrawn by them, if any. The award made in M.C.O.P.No.1031 of 2016 dated 14.06.2017 on the file of the Motor Accidents Claims Tribunal Special District Court, Thanjavur is modified accordingly. This Civil Miscellaneous Appeal stands allowed. No costs.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1.The Motor Accidents Claims Tribunal Special District Court,
Thanjavur.

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

+1cc to Mr.N.SIVAKUMAR,Advocate,SR. 84618
+1cc to Mr.J.MUNEERKHAN,Advocate,SR. 84728

C.M.A. (MD)No.832 of 2017
31.10.2017

CP

KK/SKN RSK/SAR 1/27.11.2017/ 2P- 5C