



WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.12.2017**

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No. 626 of 2014

and

CMP (MD) No. 7967 of 2017

1. Pappa
2. Prema
3. Prem Anandh
4. Mamitha

... Appellants/Petitioners

Vs.

1. Antony Sekara
2. Shri. Ram General Insurance Company Ltd,
Through its Branch Manager,
RIICO, Industrial Estate,
Sitapura, Jaipur, Rajasthan - 302 022.

... Respondents/
Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 09.02.2012 made in MCOP.No.750 of 2010 on the file of the Motor Accidents Claims Tribunal, Principal District Judge, Tirunelveli.

For Appellants	: Mr.T.Selvakumaran
For Respondents	: Mr.D.Sivaraman for R2
	No appearance for R1

JUDGMENT

The claimants have filed this appeal seeking enhancement of the compensation awarded to them.

2. One Viswanath was riding a two wheeler on 16.04.2010 at about 01.00 A.M, when the lorry insured with the second respondent caused the accident. The Tribunal has given a finding that the accident in question occurred only on account of the rash and negligent driving of the lorry driver. The said finding has become final and it does not warrant any interference.

3. The issue is only regarding the quantum of compensation. The Tribunal awarded a sum of Rs.4,41,323/-. The accident took place in the year 2010. The Tribunal fixed the monthly income of the deceased at Rs.5,000/- I am of the view that the same is correct. Considering the age of the deceased, 40% future prospects will have to be added. The deceased was a bachelor. Therefore, 50% deduction has to be made towards the personal expenses, from the monthly income. Applying the multiplier 17, the pecuniary loss for the family is quantified at Rs.7,14,000/- (3500x17x17). The compensation payable to the claimant can be reworked as follows :



Pecuniary loss	: Rs.7,14,000/-
Loss of love and affection	: Rs.2,00,000/-
Loss of estate and funeral expenses	: Rs.30,000/-
Medical expenditure (incurred)	: Rs.16,323/-
Transportation charges	: Rs.5,000/-
Total	: Rs.9,65,323/-

4.The compensation payable to the claimants is enhanced from a sum of Rs.4,41,323/- to Rs.9,65,323/-. It can be rounded off to Rs.9,65,350/-. The award dated 09.02.2012 made in MCOP.No.750 of 2010 on the file of the Motor Accident Claims Tribunal/Principal District Judge, Tirunelveli is modified.

5.The second respondent insurance company is directed to deposit the sum of Rs.9,65,350/- 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, the claimants are entitled to withdraw their share as apportioned by the Tribunal, by filing proper application, less the amount already withdrawn by them, if any. Registry is directed to collect the excess Court fee from the appellants within a period of two weeks from the date of receipt of a copy of this order.

6.This appeal stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The Principal District Judge,
Motor Accidents Claims Tribunal,
Tirunelveli.

2. The Record Keeper, V.R Section, (2 copies)
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.T.Selvakumaran , Advocate Sr.No.94170

+1cc to Mr.D.Sivaraman, Advocate SR.No.93652

SKM

VB/MMS/SAR1/07.08.2018/2P/6C