



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No. 687 of 2016

1.B.Chitra

2.Minor B.Prakasini

She is represented by her mother and
natural guardian, 1st appellant ... Appellants/Claimants

Vs.

1.S.Ganesh Babu

2.The Branch Manager,

Iffco-Tokio General Insurance Company
Limited,

Peritham Plaza, 1st floor

Indira Nagar, Bye pass Road, Ponmani
Madurai - 10.

3.Perumayee

... Respondents/Respondents

Prayer : Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgment and decree dated 28.08.2014 made in MCOP.No.86 of 2012 on the file of the Motor Vehicles Accident Claims Tribunal / Additional District and Sessions Court, Theni at Periyakulam.

For Appellant : Mr.M.Jothibas

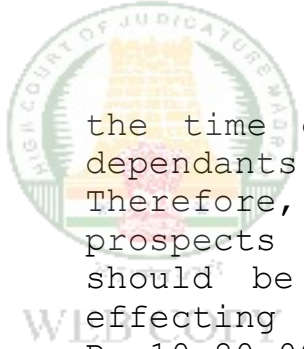
For Respondents : No Appearance for R1
Mr.V.Sakthivel for R2
Mrs.S.Prabha for R3

JUDGMENT

Heard the learned counsel for the parties.

2.The claimants have filed this appeal seeking enhancement of the quantum of compensation.

3.The husband of the first appellant and father of the second appellant died in an accident that took place on 10.04.2012 involving a car insured with the second respondent herein. The deceased was working as a mechanic. He was aged about 24 years at



the time of accident. Including his mother, there were three dependants. The accident had occurred in the year 2012. Therefore, the monthly income can be taken as Rs.6,000/-. Future prospects will have to be added. Therefore, the monthly income should be considered as Rs.7,500/-. Applying multiplier and effecting 1/3 deduction, the pecuniary loss will come to Rs.10,80,000/-. Adding damages under the conventional heads, it will come to Rs.11,50,000/-. Therefore, the compensation awarded by the tribunal is enhanced from Rs.4,86,200/- to Rs.11, 50,000/-. The award dated 28.08.2014 made in MCOP.No.86 of 2012 on the file of the Motor Vehicles Accident Claims Tribunal / Additional District and Sessions Court, Theni at Periyakulam is accordingly modified.

4.The second respondent insurance company is directed to pay Rs.11,50,000/- with interest at the rate of 7.5% per annum and costs, within a period of twelve 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 is entitled to Rs.4,50,000/- with proportionate interest and costs and she is permitted to withdraw the same by filing proper application before the Tribunal. The third respondent, mother of the deceased is entitled to Rs.2,50,000/- with proportionate interest and she is also permitted to withdraw the same by filing proper application before the Tribunal. The balance amount of Rs.4,50,000/- is directed to deposited in any one of the nationalized bank in the name of the minor second appellant till she attains majority and the first appellant, who is the natural guardian is permitted to withdraw the accrued interest periodically once in three months directly from the bank.

5.This civil miscellaneous appeal is partly allowed. No costs.

Sd/-

Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

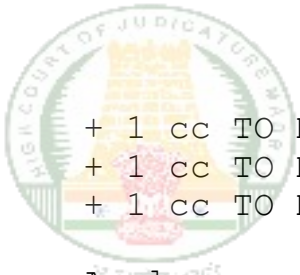
To

The Additional District and Sessions Judge,
Motor Vehicles Accident Claims Tribunal,
Theni at Periyakulam.

Copy to:

<https://hcservices.courts.gov.in/hcservices/>
The Record Keeper,

Madurai Bench of Madras High Court, Madurai.



+ 1 cc TO Mr.D.Ramehskumar , Advocate in SR No. 87109
+ 1 cc TO Mr.G.M.Law office , Advocate in SR No. 86711
+ 1 cc TO Mr.V.Sakthivel , Advocate in SR No. 86674

Arul

AE/SKN RSK/SAR2/13.12.2017/3P/6C

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