



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 14.12.2017
CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

CMA(MD)No.593 of 2015

1. Panner Selvi
 2. Antony Christopher
 3. Minor.Christina Mary
(Minor rep.by his mother
and next guardian,
the 1st appellant)
- ... Appellants

Vs.

1. Deepak Zendulal Jaiswal
 2. The Oriental Insurance Company Limited,
through its Branch Manager,
Dhulia Bhawasar Complex,
Lane No.5, Opposite School,
No.9, Dhule.
- ... Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 23.06.2014 made in MCOP.No.333 of 2013 on the file of the Motor Accident Claims Tribunal, I Additional District Court, Tirunelveli.

For Appellants : Mr.T.Selvakumaran

For Respondents : Mr.K.Bhaskaran for R2

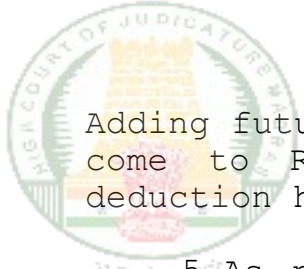
JUDGMENT

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

2.One Selvin Jhonson died in an accident on 14.10.2008. The offending vehicle was insured with the second respondent insurance company. The Tribunal awarded a sum of Rs.6,55,000/- alone. Contending that this is not adequate, this appeal has been filed.

3.Heard the learned counsel on either side.

4.The accident had taken place in the year 2008. The Tribunal had taken the monthly income of the deceased as Rs.4,500/-. I am of the view that the monthly income should be taken as Rs.5,500/-.



Adding future prospects at the rate of 25%, the monthly income would come to Rs.6,875/-. Since there were 3 dependents, one third deduction has to be made.

5.As per the claim petition, the deceased was aged 46 years. Therefore, the multiplier would be 13. Applying the relevant formula, the pecuniary loss for the family will be Rs.7,15,104/-. (4584x12x13). It can be rounded off to Rs.7,15,000/-. The wife of the deceased has to be given a sum of Rs.40,000/- towards loss of consortium. There are two children. A sum of Rs.80,000/- can be awarded towards loss of love and affection. A sum of Rs.30,000/- can be awarded towards loss of estate and funeral expenses.

6.The compensation payable to the claimants is enhanced from Rs.6,55,000/- to Rs.8,65,000/-. The award dated 23.06.2014 made in MCOP.No.333 of 2013 on the file of the Motor Accident Claims Tribunal, I Additional District Court, Tirunelveli is modified.

7.The second respondent insurance company is directed to deposit the sum of Rs.8,65,000/- 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. Thereafter, the insurance company is permitted to withdraw the paid amount from the first respondent, vehicle owner by filing execution petition in these very proceeding. On such deposit, the first and second appellants are entitled to withdraw their share as apportioned by the Tribunal, by filing proper application, less the amount already withdrawn by them, if any. The share of the minor claimant shall be deposited in any one of the nationalized bank and the natural guardian is permitted to withdraw the interest once in three months directly from the bank, till the minor attains majority.

8.This appeal is partly allowed. No costs.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The I Additional District Judge,
The Motor Accident Claims Tribunal,
Tirunelveli

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

<https://hcservices.ecourts.gov.in/hcservices/>

Madurai. (2 Copies)



+1CC to Mr.K.Bhaskaran, Advocate, SR.No. 93104

+1CC to Mr.T.Selvakumaran, Advocate, SR.No.93462

CMA (MD) No.593 of 2015
14.12.2017

WEB COPY

SKM

ES/SV/VR/SAR 4/02.07.2018/3P/6C