



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

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C.M.A. (MD) No.7 of 2016

and

C.M.P (MD) Nos.111 and 12367 of 2016

Reliance General Insurance Company Limited,
80 Feet Road,
Meenakshi Mission Plaza,
Anna Nagar,
Madurai District.

... Appellant/
2nd Respondent

Vs.

1.M.Santhi
2.M.Kanimozhi
3.P.Soundar

... Respondents 1 to 3/
Petitioners 1 to 3

4.M.Gopalakrishnan

... 4th Respondent/
1st Respondent

PRAYER: Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 12.03.2015, made in M.C.O.P.No.2059 of 2012, by the Motor Accident Claims Tribunal - cum - VI Additional District Judge, Madurai.

For Appellant : Mrs.K.R.Shiva Shankari
for Mr.S.Srinivasa Raghavan

For Respondents : Mr.M.Sarangan for R.1

JUDGMENT

This Civil Miscellaneous Appeal has been filed by the appellant-Insurance Company against the award of Rs.14,26,500/- (Rupees Fourteen Lakhs Twenty Six Thousand and Five Hundred only) for the death of one M.Ravikumar, aged about 19 years, First Year - B.Sc., (Maths) student, in the accident occurred on 02.05.2012, when he was riding his bicycle on Madurai - Dindigul Main Road in the east-west direction, the bus owned by the fourth respondent herein insured with the appellant-Insurance Company driven in a rash and negligent manner came behind and hit the bicycle causing the accident.

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2. Heard Mrs.K.R.Shiva Shankari, learned Counsel appearing on behalf of Mr.S.Srinivasa Raghavan, learned Counsel for the



appellant-Insurance Company and Mr.M.Sarangan, learned Counsel for the respondents 1 to 3/claimants.

3. The only question to be decided is with regard to the quantum of compensation.

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4. The deceased student died as a bachelor and therefore, 50% has to be deducted towards his personal expenses. However, the Tribunal taking a sum of Rs.6,000/- (Rupees Six Thousand only) as monthly income and adding Rs.3,000/- (Rupees Three Thousand only) being 50% towards future prospects, determined the monthly income of the deceased at Rs.9,000/- (Rupees Nine Thousand only) and after deducting 1/3rd amount towards his personal expenses and adopting the multiplier '18', determined the loss of income at Rs.12,96,000/- (Rupees Twelve Lakhs and Ninety Six Thousand only) [Rs.6,000/- X 12 X 18].

5. For the death of a bachelor, 50% has to be deducted which is the settled law by the Honourable Supreme Court, whereas the Tribunal deducted 1/3rd amount alone and therefore, the deduction towards personal expenses is enhanced from 1/3rd to 50%. If 50% is deducted from Rs.9,000/- (Rupees Nine Thousand only), the monthly income of the deceased would be Rs.4,500/- (Rupees Four Thousand and Five Hundred only) and by applying the multiplier '18', the loss of income would be **Rs.9,72,000/-** (Rupees Nine Lakhs and Seventy Two Thousand only) [Rs.4,500/- X 12 X 18].

6. The Tribunal rightly awarded a sum of **Rs.1,00,000/-** (Rupees One Lakh only) towards loss of love and affection to the respondents 1 to 3/claimants and the same is confirmed.

7. Similarly, the amounts awarded under the other heads, viz., a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) towards funeral expenses; a sum of **Rs.5,000/-** (Rupees Five Thousand only) towards transportation charges and a sum of **Rs.500/-** (Rupees Five Hundred only) towards damage to clothes and articles, are all reasonable and they are confirmed. Accordingly, the respondents 1 to 3/claimants are entitled to the total compensation of **Rs.11,02,500/-** (Rupees Eleven Lakhs Two Thousand and Five Hundred only).

8. The rate of interest awarded by the Tribunal at 7.5% per annum remains unaltered.

9. In the result,

(i) This Civil Miscellaneous Appeal is partly allowed, reducing the award of Rs.14,26,500/- (Rupees Fourteen Lakhs Twenty Six Thousand and Five Hundred only) to a sum of **Rs.11,02,500/-** (Rupees Eleven Lakhs Two Thousand and Five Hundred only);

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(ii) The respondents 1 to 3/claimants are entitled to a sum of

Rs.11,02,500/- (Rupees Eleven Lakhs Two Thousand and Five Hundred only) along with interest at the rate of 7.5% per annum from the date of petition till date of realisation and proportionate costs as per the apportionment made by the Tribunal;

(iii) Since the appellant-Insurance Company already deposited 50% of the award amount, the respondents 1 to 3/claimants are permitted to withdraw their respective share from the amount deposited before the Tribunal;

(iv) The appellant-Insurance Company is directed to transfer the balance award amount along with accrued interest and proportionate costs to the respective Personal Savings Bank Account Numbers of the respondents 1 to 3/claimants, less the amount already deposited, if any, through RTGS/NEFT system, after getting the Account Details of the respondents 1 to 3/claimants by the Officials of the appellant-Insurance Company, within a period of **four weeks** from the date of receipt of a copy of this judgment; and

(v) In the facts and circumstances of the case, there shall be no order as to costs. Consequently, the connected civil miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS II)

/True copy/

Sub Assistant Registrar

To

1.The Motor Accident Claims Tribunal - cum -
VI Additional District Judge,
Madurai.

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

+1cc to MR.S.Srinivasa Raghavan, Advocate SR.No.2644

rsb

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