



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.612 of 2015

1. Kuppammal
2. Minor.Subha
3. Rajammal

(Minor is represented through her
mother and next guardian
the 1st Appellant herein)

... Appellants/Petitioners

Vs.

1. C.M.Mariappan

2. ICICI Lombard General Insurance Co. Ltd.,
Office at ICICI Lombard House,
No.414, Veer Savarkar Marg,
Near Siddhi Vinayak Temple,
Prabhadevi, Mumbai - 400 025.

... Respondents/Respondents

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree made in M.C.O.P.No.231 of 2013 on the file of the Motor Accident Claims Tribunal, (IV Additional District Judge) (FAC), Tirunelveli, dated 13.11.2013.

For Appellants : Mr.T.Selvakumaran
For R-2 : Mr.K.K.Ramakrishnan
R-1 : Dispensed with

JUDGMENT

Heard the learned counsel on either side.

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

3.The claimants are the wife, daughter and mother of the deceased. The deceased was the husband of the first appellant herein. He was a retired police official. He was a pensioner. On 22.09.2012, when the deceased was riding his two wheeler bearing Registration No. TN 72-F-7565 on Tirunelveli-Tiruchendur Main Road, the tipper lorry belonging to the first respondent and insured with

the second respondent hit him. He was aged about 67 years at the time of accident. The accident took place in the year 2012. Therefore, the monthly income will have be taken as Rs.6,500/-. Since there are three family member, one third deduction has to be made. By applying multiplier 5, one can come to a conclusion that the pecuniary loss for the family would be Rs.2,60,000/- Therefore, by adding other heads of damages, the compensation payable to the claimants is as follows:

S1.No	Heads	Amount in Rupees
1.	For Pecuniary loss for the family	Rs. 2,60,000/-
2.	For loss of consortium and loss of love and affection	Rs. 1,00,000/-
3.	For loss of estate and funeral expenses	Rs. 30,000/-
4.	For the minor claimant under the head of "loss of guidance"	Rs. 10,000/-
	Total	Rs.4,00,000

4.The compensation awarded by the Tribunal is enhanced from Rs.2,25,000/- to Rs.4,00,000/-. The award dated 13.11.2013 in M.C.O.P.No.231 of 2013 on the file of the Motor Accident Claims Tribunal, (IV Additional District Judge) (FAC), Tirunelveli, is modified, accordingly.

5. The second respondent Insurance company is directed to deposit the entire compensation amount of Rs.4,00,000/- (Four lakhs only) with interest at the rate of 7.5% per annum and costs, from the date of petition till the date of realization within a period of eight weeks from the date of receipt of a copy of this judgment, less the amount already deposited, if any. On such deposit, the first and the third claimants are permitted to withdraw their respective shares as apportioned by the Tribunal, less the amount already withdrawn by them, if any by filing appropriate petition before the Tribunal. The share of the minor claimant shall be deposited in any one of the Nationalised Bank in an interest bearing account and the natural guardian/mother of the minor claimant is permitted to withdraw the accrued interest once in three months directly from the bank, only for the welfare of minor claimant, till she attains majority.

6.This Civil Miscellaneous Appeal is partly allowed. No costs.

Sd/-
Assistant Registrar (CS-I)



To

The IV Additional District Judge (FAC),
Motor Accident Claims Tribunal,
Tirunelveli.

Copy To:-

The Section Officer, Vernacular Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 CC TO Mr.T.SELVAKUMARAN, ADVOCATE IN SR No. 94168
+ 1 CC TO Mr.K.K.RAMAKRISHNAN, ADVOCATE IN SR No. 94268

KMI

TE/RP/SAR-4 : 18/07/2018 : 3P/6C

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20.12.2017