



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.11.2017

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.M.A. (MD) No. 618 of 2015

Arjunan (died)

1. Kumar
2. Vadivel
3. Murugesan
4. Nagaraj
5. Mala
6. Mookkayee
7. Tamilarasi

... Appellants/Claimants 2 to 8

Vs.

1. R. Velusamy
2. New Indian Assurance Company Ltd.,
Salai Road,
Thillai Nagar, Trichy
(1st respondent set exparte before
the Tribunal)

... Respondents/Respondents

Prayer: Appeal filed under Section 173 of M.V. Act, 1988, to modify the award passed in M.C.O.P. No. 1991 of 1999 dated 29.10.2007 on the file of the Motor Accidents Claims Tribunal cum III Additional Sub Court, Trichy.

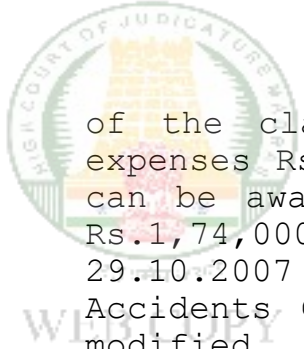
For Appellants
For Respondents

: Mr. N. Sudhagar Nagaraj
: Mr. J. S. Murali for R2

JUDGMENT

Heard the learned counsel on either side.

2. The claimants have filed this appeal seeking enhancement. The deceased was aged 55 years when the accident took place. The husband and the children are the claimants. The husband passed away during the pendency of the claim proceedings. The Tribunal fixed the annual income on a notional basis at Rs. 15,000/-. Since the family was rather large in number, deduction should have only been 1/5th. Therefore, she would have given a sum of Rs. 12,000/- for the family. If multiplier 11 is applied, the pecuniary loss would be come at Rs. 1,32,000/-. A sum of Rs. 5,000/- can be awarded for each



of the claimants for loss of love and affection. For funeral expenses Rs.5,000/- can be awarded. For transportation, Rs.2,000/- can be awarded. Thus, in all the claimants would be entitled to Rs.1,74,000/- as compensation. Accordingly, the award dated 29.10.2007 made in M.C.O.P.No.1991 of 1999 on the file of the Motor Accidents Claims Tribunal cum III Additional Sub Court, Trichy is modified.

3.The second respondent insurance company is directed to deposit the entire compensation amount 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 order, less the amount already deposited, if any. On such deposit, the claimants are entitled to withdraw their share as apportioned by the Tribunal, less the amount already withdrawn by them, if any, by filing proper application before the Tribunal.

4.This civil miscellaneous appeal stands partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To

1.Motor Accidents Claims Tribunal cum
III Additional Sub Court, Trichy.

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

+One cc to Mr.N.Sudhagar Nagaraj, Advocate, SR.No.85047

+One cc to Mr.J.S.Murali, Advocate, SR.No.85215

Arul

RL/5C/2P/KK/SAR4/4/12/2017

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