

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 20.10.2017****CORAM :****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****C.M.A. (MD) No.654 of 2015**

1.Lakshmi
2.Devandran ...Appellants/Petitioners
Vs.
1.Gunaseelan
2.Sri Ram General Insurance Company Limited,
Represented by its Divisional Manager, Jaipur,
Office-No.E/8, RIICO Industrial Area,
Sitapura, Jaipur, Rajasthan. ...Respondents 1,2/Respondents 1,2
3.Devika
4.Thilagam @ Thilagavathi ... Respondents 3 & 4/Respondents 3 & 4

Prayer: Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to modify the judgment and decree dated 22.07.2014 made in M.C.O.P.No.117 of 2013 on the file of the Motor Accident Claims Tribunal, Additonal Sub Court, Kumbakonam.

For Appellants : Mr.S.Siva Thilakar
For Respondents : No Appearance for R.1 & R.2
Given up for R.3 & R.4

JUDGMENT

The claimants have filed this appeal seeking enhancement of compensation awarded in M.C.O.P.No.117 of 2013 on the file of the Motor Accident Claims Tribunal, Additional Sub Court, Kumbakonam.

2.The husband of the 1st appellant herein and the father of the second appellant herein J.Ramamoorthy died in an accident involving the vehicle Mahendra van insured with the second respondent herein. The Court below fixed the monthly income of the deceased at Rs.9,000/-. It awarded a sum of Rs.5,40,000/- with interest at the rate of 7.5% per annum as compensation. Due apportionment was also made. Contending that the compensation awarded by the Tribunal is not adequate, this appeal has been filed.

3.The Tribunal after fixing loss of dependancy awarded at Rs.5,04,000/- only. The Tribunal awarded a sum of Rs.10,000/- towards funeral expenses. This can be enhanced to Rs.25,000/-. For loss of love and affection for each, a sum of Rs.20,000/- was awarded. For loss of consortium, only a sum of Rs.6,000/- was awarded. This can be enhanced to Rs.50,000/-. For loss of estate, a sum of Rs.10,000/ can be awarded. Similarly, for Transportation expenses a sum of Rs.5,000/- can be awarded.



4. Therefore the compensation payable to the appellant is reworked as under:-

Sl.No	Heads	Amount in Rupees
1.	Loss of Dependency	Rs.5,04,000/-
2.	Loss of Love and Affection for each	Rs. 20,000/-
3.	Funeral Expenses	Rs. 25,000/-
4.	Loss of Consortium	Rs. 50,000/-
5.	Loss of Estate	Rs. 10,000/-
6.	Transportation Expenses	Rs. 5,000/-
	Total	Rs.6,14,000/-

5. The award passed by the Tribunal is accordingly modified. The Civil Miscellaneous Appeal is allowed. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Motor Accident Claims Tribunal,
Additonal Sub Court, Kumbakonam.

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

Copy to:

1. Gunaseelan, S/o. Ramakrishnan,
Old No.20, New No.2/55,
Main Road, Avoor & Post, Valangaiman Taluk,
Thiruvarur District.

2. Devika, W/o. Shanmugam, North Eda Street,
Thiruvidaimaruthur Town & Taluk, Thanjavur District.

3. Thilagam @ Thilagavathi,
W/o. Senthilkumar, Kaliyammankoil Street,
Kovilramapuram, Thiruvidaimaruthur Taluk,
Thanjavur District.

+1cc to M/s.S.SIVA THILAKAR Advocate in SR. No.83087

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

JS/GT/SAR.2/21.11.2017/2P-7C

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