



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2017
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WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD).No.841 of 2016

1.M.Rengammal
2.M.Mahalakshmi
3.M.Malathy

...Appellants/Petitioners

Vs.

1.R.Dinesh Kumar

2.M/s.United India Insurance Co.Ltd,
represented by its Divisional Manager,
Divisional Office,
7A, West Veli Street,
Madurai - 1.

... Respondents/Respondents

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 to allow the appeal against the order in M.C.O.P.2137 of 2008 dated 28.01.2012 on the file of the Motor Accident Claims Tribunal (Additional District Court/Fast Track Court No.3), Madurai and consequently enhance the award amount.

For Appellants	: Mr.A.Theethar
For Respondent No.1	: No Appearance
For Respondent No.2	: Mr.J.S.Murali

JUDGMENT

Heard the learned counsel on either side.

2.The claimants have filed this appeal seeking enhancement of the compensation awarded to them by the Tribunal. One Murugan, was working as a sweeper in Chinnamanur Municipality. He was travelling as a pillion rider in a two wheeler. The van insured with the second respondent and belonging to the first respondent came from the opposite direction and dashed against the two wheeler, which resulted in the death of the said Murugan. The said Murugan died on the spot. His wife and children filed M.C.O.P.No.2137 of 2008, dated 28.01.2012, on the file of the Motor Accident Claims Tribunal Additional District Court/Fast Track Court No.3, Madurai, for claiming compensation.

3.The claimants marked Ex.P5 and Ex.P.6, which clearly shows that the deceased was earning a sum of Rs.7,156/- as monthly salary. But, for reasons best known to the Tribunal Judge, the monthly income was fixed as Rs.6,000/-. Secondly, future prospects were not added. Therefore on these two grounds, the compensation quantified by the Tribunal will have to be modified and enhanced. The compensation payable to the claimants can be worked out as under:-

Sl.No	Heads	Amount in Rupees
1.	For Pecuniary loss	Rs. 10,41,936
2.	For loss of consortium and loss of love and affection	Rs. 1,20,000/-
3.	For funeral Expenses	Rs. 15,000/-
4.	For loss of Estate	Rs. 15,000/-
	Total	Rs.11,91,936/-

4.The compensation payable to the claimants is enhanced from Rs.7,38,600/- to Rs.11,91,936/-. The award dated 28.01.2012, made in M.C.O.P.2137 of 2008, on the file of the Motor Accident Claims Tribunal Additional District Court/Fast Track Court No.3, Madurai, is modified accordingly.

5.The first and second respondents are directed to pay the compensation amount of Rs.11,91,936/- with interest at the rate of 7.5% per annum with 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 claimants are entitled to withdraw the same, as apportioned by the Tribunal, less the amount already withdrawn by them, if any, by filing proper application before the Tribunal. The appellant is directed to pay the Court fee for the enhanced amount within two weeks from the date of receipt of a copy of this judgment, if any.

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

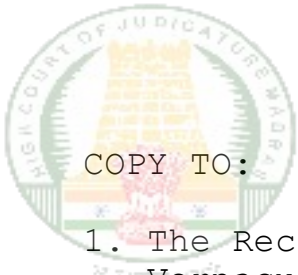
Sd/
Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To

The Additional District Judge,
(Additional District Court/ Fast Track Court No.3),
Motor Accident Claims Tribunal, Madurai.



COPY TO:

1. The Record Keeper,
Vernacular Section
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

2. The Divisional Manager,
M/s. United India Insurance Co. Ltd.,
7-A West Veli Street, Madurai.

+1cc to Mr. J. S. MURALI, Advocate, SR.No. 91150

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KK/SB/SAR-4/27.06.2018/3P-6C/