



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.759 of 2015

1.S.Selvam  
2.S.Nagavalli

... Appellants/Petitioners

**Vs.**

1. Mohammed Refeek  
  
2. The Divisional Manager,  
M/s.New India Assurance Co. Ltd,  
Rekha Towers, 2<sup>nd</sup> Floor,  
248-B, Kamarajar Road,  
Madurai.

... Respondents/Respondents

**Prayer:** Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the order dated 22.11.2013 made in MCOP.No.1171 of 2012 on the file of the IV Additional District Judge ( Motor Accident Claims Tribunal), Madurai.

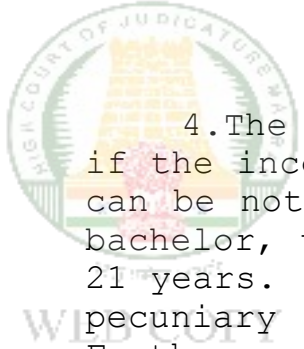
|                 |                                      |
|-----------------|--------------------------------------|
| For Appellants  | : Mr.M.Subash Babu                   |
| For Respondents | : Mr.Y.Prakash for R2<br>R1 Exparte. |

### 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 in this case are the parents of the deceased. The deceased Chandrakumar @ Chandran was riding his two wheeler on 09.04.2012 at about 09.45 P.M, in Madurai Melur main road when the bus belonging to the first respondent herein and insured with the second respondent hit him. In the ensuing accident, the said Chandrakumar @ Chandran died. He was aged 21 years at the time of accident. He was working as a Store Incharge in a private company at Madurai. He was a bachelor. Even though the claimants filed income proof, since the employer was not examined, the same was not taken into consideration. The Tribunal awarded a sum of Rs.3,60,000/- alone as compensation. On the very face of it, the quantum is awfully inadequate. Therefore, the compensation payable to the claimants will have to be necessarily enhanced.



4.The accident took place in the year 2012. Therefore, even if the income proof filed by the claimants is rejected, the income can be notionally fixed at Rs.6,500/-. Since the deceased was a bachelor, there will have to be 50% deduction. He was aged about 21 years. Therefore, the multiplier 18 has to be adopted. The pecuniary loss to the family will be Rs.7,02,000/- (3250x12x18). Further a sum of Rs.80,000/- can be awarded towards loss of love and affection. A sum of Rs.18,000/- can be awarded towards funeral expenses and transportation. Therefore, the total compensation payable to the claimants is quantified at Rs.8,00,000/-.

5.The compensation payable to the claimants is enhanced from a sum of Rs.3,60,000/- to Rs.8,00,000/-. The award dated 22.11.2013 made in MCOP.No.1171 of 2012 on the file of the IV Additional District Judge / Motor Accidents Claims Tribunal is modified.

6.The second respondent is directed to deposit the entire compensation amount, with interest at the rate of 7.5% per annum, from the date of petition till the date of realization and costs, 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 by filing proper application, less the amount already withdrawn by them, if any.

7.This appeal is partly allowed. No costs.

Sd/-  
Assistant Registrar(RTI)

/True Copy/

*Sub Assistant Registrar*

To

1. The IV Additional District Judge ,  
Motor Accidents Claims Tribunal, Madurai.

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

+ 1 cc TO Mr.M.Subash Babu , Advocate in SR No. 90753

skm

AE/JC/SAR4/16.03.2018/2P/5C

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**30.11.2017**