



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.846 of 2015

and

M.P. (MD) No.1 of 2015

United India Insurance Co. Ltd.,
84/28, First Floor, North Car St.,
Ambasamuthiram, Tirunelveli Dt.

... Appellant /
3rd Respondent

Vs.

1. Rajamani
2. Maruthirajan
3. Malini
4. Minor Madhavi
(Minor 4th respondent rep by mother
natural guardian 1st respondent)
5. Ramalakshmi
(Rajasekaran (Died))

... Respondent 1 to 5/
Petitioner 1 to 5

6. S.Muppudathi
7. Subburamakrishnan

8. The Superintendent of Police,
Tirunelveli District.
9. The District Collector,
Tirunelveli District.

... Respondents 6 to 9 /
Respondent 1,2,4 to 6

(Respondents 6 & 7 exparte before Tribunal)

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 06.12.2014 made in M.C.O.P.No.6 of 2011 on the file of the Motor Accidents Claims Tribunal (Principal Subordinate Judge), Tenkasi.

For Appellant	: Mr.I.Suthakaran
For Respondents 1 to 5	: Mr.R.J.Karthick for Mr.M.Saravanan
For Respondents 6 & 7	: Dispense with vide Court order dated 26.08.2015
For Respondents 8 & 9	: Mr.D.Muruganantham Additional Government Pleader

**JUDGMENT**

The insurer has filed this appeal questioning the impugned award on the ground of quantum.

2. The deceased was aged about 57 years at the time of the accident. He had hardly one year left over service. Therefore, split multiplier must have been adopted in this case. The deceased died leaving behind his wife, one son, two daughters and his aged mother. Therefore, each of them is entitled to a sum of **Rs.40,000/-** towards loss of love and affection. Therefore, a sum of **Rs.2,00,000/-** will have to be awarded under this head. Further a sum of **Rs.15,000/-** will have to be awarded toward funeral expenses. Adopting the split multiplier after making one fourth deduction from the monthly income by the deceased, the pecuniary loss to the claimants can be reworked as under :

Monthly income of the deceased	Rs.22,723/-
After making one fourth deduction	Rs.17,042/-
Pecuniary loss (17042x1x12)	Rs.2,04,504/-
After retirement (17042/2x12x8)	Rs.8,18,016/-
Total Pecuniary loss	Rs.10,22,520/-
Loss of love and affection to the wife, one son and two daughters and aged mother (each will be awarded Rs.40,000/-)	Rs.2,00,000/-
Funeral expenses	Rs.15,000/-
Total	Rs.12,37,520/-

3. The compensation payable to the claimants is reduced from 21,38,267/- to Rs.12,37,520/-. Hence, the award dated 06.12.2014 made in MCOP.No.6 of 2011 on the file of the learned Principal Subordinate Judge/Motor Accident Claims Tribunal, Tenkasi is modified.

4. The appellant/ Insurance company is directed to deposit the award amount of Rs.12,37,520/- with interest at the rate of 7.5% per annum and costs, from the date of petition till 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 respondents 1 to 3 and 5/claimants are permitted to withdraw their respective shares as apportioned by the Tribunal, less the amount already withdrawn by them, if any by filing proper 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.

5. Accordingly, this Civil Miscellaneous Appeal is partly allowed. No costs. Consequently, M.P.(MD)No.1 of 2015 is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

The Principal Subordinate Judge,
Motor Accidents Claims Tribunal
Tenkasi.

Copy to

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

+1cc to Mr.I.SUTHAKARAN, Advocate Sr.No.93082

+1cc to Mr.R.J.KARHICK, Advocate Sr.No.92911

Skm

MK/SV MMS/SAR 1/28.06.2018/3P/6C

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