



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2017

CORAM:

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) .No.1412 of 2015

1. M.Sankaran
2. Jeyalakshmi

... Appellants/Petitioners

Vs.

1. K.Deivendran
2. The Branch Manager,
The Oriental Insurance Co.,Ltd.,
No.39/40, Saradha Shopping Complex,
Simmakkal, Madurai.

...Respondents/Respondents

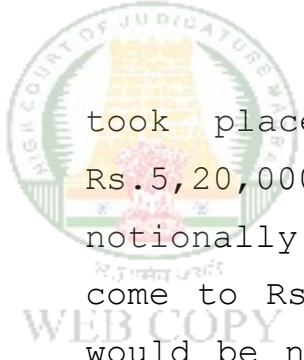
PRAYER : This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicle Act, against the Judgment and decree in M.C.O.P No.55 of 2014, dated 13.10.2014 on the file of the Special District Judge for M.C.O.P. Cases, Madurai.

For Appellants : Mr.M.Saravanan
For R.1 : No appearance
For R.2 : K.Baskaran

* * * * *

JUDGMENT

The claimants have preferred this appeal questioning the impugned order on the ground of quantum. The deceased was studying in Kamarajar College of Engineering & Technology, Kallikudi. He was third year B.E. Mechanical Engineering student. The accident



took place on 02.11.2013. The Tribunal awarded a sum of Rs.5,20,000/-. The monthly income of the deceased can be notionally fixed at Rs.8,000/-. Adding future prospects, it would come to Rs.12,000/-. Since he was bachelor, a sum of Rs.6,000/- would be notionally available for the family members. By adopting multiplier 18, the pecuniary loss sustained by the appellants can be quantified at Rs.12,96,000/-. But in this case, the Tribunal had awarded only Rs.5,20,000/-. Towards the damages on conventional heads further sum of Rs.1,00,000/- can be awarded. Accordingly, Rs.13,96,000/- can be awarded as compensation payable to the appellant and the same can be rounded off to Rs.14,00,000/-.

2. Therefore, the compensation awarded by the Tribunal is enhanced from Rs.5,20,000/- to Rs.14,00,000/-. The order dated 13.10.2014 made in M.C.O.P No.55 of 2014 on the file of the Learned Special District Judge for M.C.O.P. Cases, Madurai is accordingly modified.

3. The first and second respondents are directed to deposit the entire compensation amount 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 order, 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.

4. The Civil Miscellaneous Appeal is partly allowed. No costs.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar



To

The Special District Judge for M.C.O.P. Cases,
Madurai.

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Copy to : The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to M/S.K.BASKARAN, ADVOCATE IN SR No.85626

+1 cc to M/S.R.SUBRAMANIAN, ADVOCATE IN SR No.85759

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PK/GT/SAR-1/03.01.2018 : 3P/5C