

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CMA No.1338 of 2018 and
C.M.P.No.10737 of 2018

M/s.Reliance General Insurance Company Limited
Reliance House, Nungambakkam,
Chennai. Appellant/2nd Respondent

-vs-

1.Vijaya
2.Venugopal
3.Padma
4.Gowri
5.Jaffarab Respondents/Petitioners & 1st Respondent

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and Decree dated in MCOP No.278 of 2010 dated 24.08.2017 on the file of the Motor Accidents Claims Tribunal, Subordinate Court, Sankagiri.

For Appellant : Mr.N.Vijayaraghavan

For Respondents : Mr.SP.Yuvaraj

J U D G M E N T

[Judgment of the Court was made by
R.SUBRAMANIAN, J.]

The appeal is at the instance of the Insurance Company. Though the grounds raised in the appeal would cover the negligence as well as quantum, Mr.N.Vijayaraghavan, learned counsel for the appellant - Insurance Company restricts his arguments only to the question of quantum.

2. There was no dispute with regard to the monthly income arrived at by the Tribunal at Rs.27,234/-. However, the

Tribunal had deducted only 25% of the same towards his personal expenses. The learned counsel for the appellant would contend that the deceased being a bachelor 50% should have been deducted.

3. Mr.SP.Yuaraj, learned counsel for the respondent is unable to sustain the deduction made by the Tribunal at 25% for personal expenses.

4. The compensation awarded by the Tribunal on other heads are not in dispute.

5. The learned counsel for the respondent would submit that the Tribunal has not awarded any amount towards loss of estate. The learned counsel for the appellant would fairly submit that Rs.25,000/- should have been awarded towards loss of estate.

6. In view of the above, the Award of the Tribunal is modified as follows:-

i) Pecuniary Loss	-	Rs.29,41,272/-
ii) Loss of Love and Affection	-	Rs. 1,50,000/-
to Respondents 1 to 4		
iii) Loss of Estate	-	Rs. 25,000/-
iv) Funeral Expenses	-	Rs. 25,000/-
Total		Rs.31,41,272/-

7. In the result, the Civil Miscellaneous Appeal is partly allowed:-

i) The compensation is fixed at Rs.31,41,272/- which is rounded off to Rs.31,41,000/-.

(ii) The award amount will carry interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit with proportionate interest.

(iii) The appellant - Insurance Company is directed to deposit the award amount, less the amount, if any, already deposited, along with accrued interest and costs within a period of four weeks from the date of receipt of a copy of this judgment.

(iv) Since respondents 2 to 4 are brother and sisters of the deceased, they cannot be said to be dependents. Hence, the entire compensation is directed to be paid to the first respondent, the mother of the deceased. The first respondent is permitted to withdraw the entire amount deposited by filing proper application before the Tribunal. The Tribunal shall pass appropriate directions for the disbursal of the

amount as stated supra on filing of such application.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

svki

To

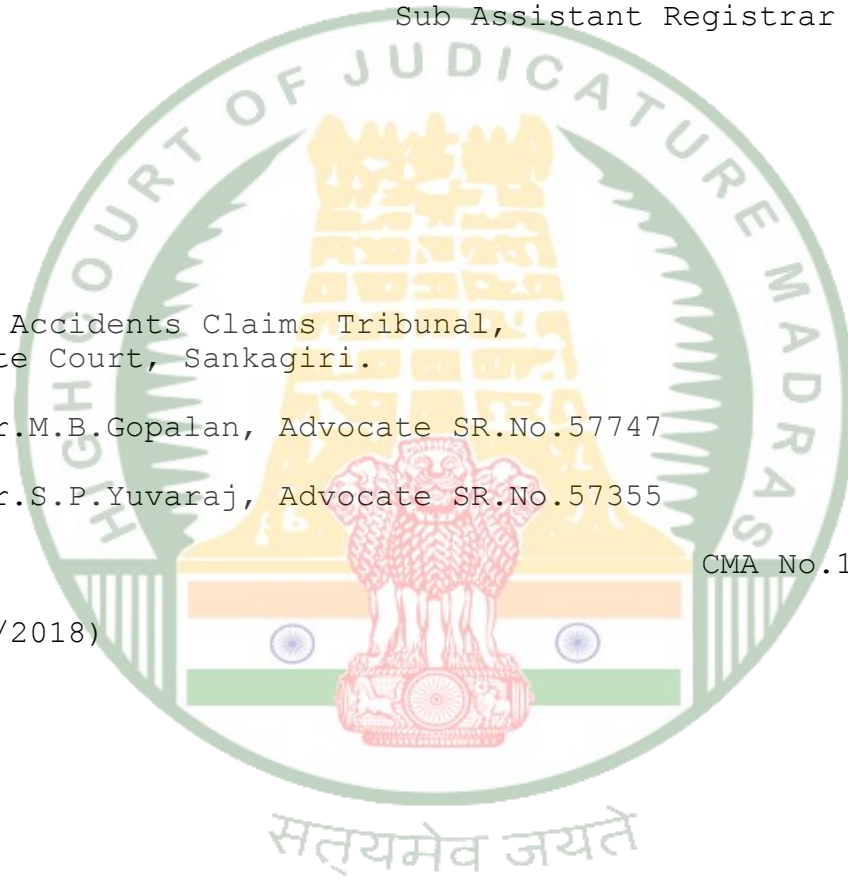
The Motor Accidents Claims Tribunal,
Subordinate Court, Sankagiri.

+1cc to Mr.M.B.Gopalan, Advocate SR.No.57747

+1cc to Mr.S.P.Yuvaraj, Advocate SR.No.57355

CMA No.1338 of 2018

GMV (27/09/2018)



WEB COPY