

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2018

CORAM

The Hon'ble Mr.Justice K.K.SASIDHARAN
AND
The Hon'ble Mr.Justice R.SUBRAMANIAN

C.M.A.No.1608 of 2018
and C.M.P.No.12824 of 2018

M/s.Reliance General Insurance
Company Limited,
Sri Meenatchi Plaza, 1st Floor,
Plot No.HIG-55, 80 Feet Road,
Anna Nagar, Madurai 625 020. ... Appellant/2nd Respondent

vs.

1.Nadhiya
2.Vishnu Priya (Minor)
3.Divya Darshini (Minor)
(Respondents 2 & 3 represented by
mother & NF 1st respondent)
4.Balaraman
5.Indirani ... Respondents 1 to 5/Petitioners
6.S.Kajah Maideen ... 6th Respondents/1st Respondent

Appeal filed under Section 173 of the Motor Vehicles
Act, 1988, against the award and decree dated 06.10.2016
made in M.C.O.P.No.2804 of 2014 on the file of Motor
Accidents Claims Tribunal Special District Court,
Dharmapuri.

For Appellant : Mr.M.B.Raghavan

For Respondents : Mr.D.Ramesh Kumar
for RR-1 to 5

J U D G M E N T

(Order of the Court was made by Mr.R.Subramanian, J.)

Challenging the quantum of compensation awarded, i.e.,
Rs.23,00,200/-, the insurance company is before us by way
of this appeal.

2.It is shown that the deceased was drawing a monthly salary of Rs.10,127/-. The Tribunal has added 50% for future prospects. Mr.Raghavan, learned counsel appearing for the appellant/insurance company would contend that the deceased was employed in a private company and hence, future prospects should be taken only as 40% as per the decision of the Larger Bench of the Supreme Court in National Insurance Company Limited V. Pranay Sethi and others, reported in 2017 (2) TN MAC 609 (SC). Mr.D.Ramesh Kumar, learned counsel appearing for the respondents/claimants is unable to controvert the said legal position. Thus worked out, the monthly salary of the deceased would be Rs.14,180/-. One-fourth is to be deducted towards his personal expenses. Therefore, the pecuniary loss per month would be Rs.10,640/-. The deceased was aged about 39 years at the time of accident. Hence, the multiplier would be 15. The total pecuniary loss, thus, worked out to Rs.19,15,200/- (Rs.10640 x 12 x 15). The other conventional and non-conventional damages awarded by the Tribunal are sustained. The total compensation is arrived at Rs.21,65,200/-.

3.In view of the above, the Civil Miscellaneous Appeal is partly allowed reducing the award amount from Rs.23,00,200/- to Rs.21,65,200/- with interest at 7.5% p.a. from the date of petition till the date of payment and proportionate costs. The appellant/insurance company is directed to deposit the entire award amount granted by this Court, less the amount deposited if any, within a period of eight (8) weeks from the date of receipt of a copy of this order. On such deposit, the first claimant/wife is entitled to take Rs.6,00,000/-, the second and third claimants being the minor children are entitled to get a sum of Rs.5,00,000/- each and the balance sum of Rs.5,65,200/- be shared by the fourth and fifth claimants being the parents equally, with proportionate interest and costs. The Tribunal is directed to invest the share of the minors in an interest bearing deposit in any one of the nationalised banks till they attain majority and the first respondent is permitted to withdraw the interest accrued thereon once in three (3) months. No costs. Consequently, C.M.P.No.12824 of 2018 is closed.

Sd/-
Assistant Registrar(CS-VIII)

//True copy//

Sub Assistant Registrar

sra

To:

1. The Special District Judge,
Motor Accidents Claims Tribunal,
Dharmapuri.
2. The Section Officer,
VR Section, High Court,
Madras (+2 Copies)

+1cc to Mr.D.Ramesh Kumar, Advocate SR.No.58540

+1cc to Mr.M.B.Gopalan, Advocate SR.No.59402

C.M.A.No.1608 of 2018

BR(CO)

GMV (12/11/2018)



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