

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2018

CORAM:

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

CMA No.1817 of 2018 and
CMP No.14027 of 2018

The Manager
Reliance General Insurance Co. Ltd.,
Motor T.P.Claims, 4th Floor,
Reliance Towers,
Opp.to Sasthri Bhavan, Haddows Road,
Nungambakkam, Chennai - 600 034. Appellant

-vs-

1.D.Sujatha
2.V.Dinesh
3.D.V.Dinakar
4.Minor D.V.Sravanthi
(Minor represented by her mother and natural guardian
D.Sujatha)
5.M.Banu Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree in MCOP No.8 of 2017 dated 14.11.2017 on the file of the Motor Accidents Claims Tribunal, Special District Court, Tiruvallur.

For Appellant : Mr.S.Arun Kumar
For Respondents: M/s.Amar D.Pandiya

J U D G M E N T

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

By consent of parties, the Civil Miscellaneous Appeal itself is taken up for hearing.

2. Mr.S.Arun Kumar, learned counsel appearing for the Insurance Company/appellant restricts the appeal in respect of the compensation awarded under the Conventional heads. The Tribunal has awarded a sum of Rs.1,00,000/- towards Loss of Consortium and Rs.50,000/- each to respondents 2 to 4 towards loss of Love and Affection.

3. As per the judgment of the larger Bench of the Hon'ble Supreme Court in National Insurance Co. Ltd., v. Pranay Sethi and others [2017 (2) TN MAC 609 (SC)], the Loss of Consortium can be only Rs.40,000/- and Loss of Love and Affection also can be only Rs.40,000/-.

4. In view of the said pronouncement of the Hon'ble Supreme Court, the Award of the Tribunal is liable to be modified. Accordingly, the amount awarded towards Loss of Consortium is reduced from Rs.1,00,000/- to Rs.40,000/-. Likewise, the amount awarded towards loss of Love and affection is reduced to Rs.40,000/- each to respondents 2 to 4, totally a sum of Rs.1,20,000/-. In other respects, the Award of the Tribunal is confirmed.

5. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

svki
To

The Motor Accidents Claims Tribunal,
Special District Court, Tiruvallur.

Copy to

The Section officer
VR Section, High Court, Madras 104.

+1 CC to Mr. Arunkumar, Advocate sr 56221.

+1 CC to Mr. Amar D. Pandiya, Advocate sr 56252.

CMA No.1817 of 2018

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MG(CO)
SP(14/09/2018)