



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2018

CORAM:

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

CMA No.1827 of 2018 and
C.M.P.No.14115 of 2018

M/s.Reliance General Insurance Company Limited,
Having its Branch Office at
Sri Lakshmi Complex, 1st Floor,
Bharathi Street, Omalur Main Road,
Swarnapuri, Salem.

... Appellant/3rd Respondent

-vs-

1.R.Rani
2.R.Karthick (Minor)
3.R.Gowtham (Minor)
4.R.Pravin (Minor)

Respondents 2 to 4 minors represented by
Mother and NF 1st respondent)

5.A.Manikandan
6.G.Vignesh

... Respondents/
Petitioners/Claimants/Respondents 1 & 2

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 02.03.2018 made in M.C.O.P.No.103 of 2015 on the file of the Motor Accidents Claims Tribunal, Special District Court at Erode.

For Appellant : Mr.R.Mohan Babu
for M/s.M.B.Gopalan Associates

J U D G M E N T

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

The challenge in this appeal is to the quantum of compensation fixed at Rs.16,69,000/- for the death of one M.Ranjithkumar, in a motor accident that occurred on 15.01.2015.

2. According to the claimants, the deceased was working as a



Supervisor in a company and he was earning about Rs.25,000/- per month. Considering the fact that there was no direct evidence to prove the income of deceased, the Tribunal had adopted the monthly income at Rs.7,500/- and adding 40% towards future prospects as per the larger bench judgment of the Hon'ble Supreme Court in National Insurance Co. Ltd., v. Pranay Sethi and others [2018 (1) L.W. 331], the Tribunal deducted 1/4 towards personal expenses and arrived at the loss of earning capacity/loss of dependency at Rs.15,12,000/-. The Tribunal awarded a sum of Rs.5,000/- towards transportation, Rs.5,000/- towards damages to clothing and articles, Rs.15,000/- towards Funeral Expenses, Rs.15,000/- towards Loss of Estate and Rs.1,15,000/- towards Loss of love and affection and consortium.

3. Considering the fact that the deceased had left behind three children and wife, the amount awarded towards Loss of love and affection and consortium also appears to be reasonable. The appellant Insurance Company does not challenge the findings of the Tribunal on the ground of negligence and liability. We find that the compensation granted by the Tribunal is just and reasonable. We see no merits in the appeal.

4. In the result, the Civil Miscellaneous Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

svki

To

The Motor Accidents Claims Tribunal,
Special District Court at Erode.

+1cc to M/s.M.B.Gopalan Associates, Advocate, S.R.No.63205

CMA No.1827 of 2018

VSN(CO)
CS/27/11/2018