

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.1840 of 2018 and
CMP No.14258 of 2018

M/s.Reliance General Insurance Company Ltd.,
Sri Lakshmi Complex, First Floor.
Bharathi Street, Omalur Main Road,
Swarnapuri, Salem - 636 004.

.... Appellant

-vs-

1.Yamuna
2.Akilan
3.Kavya (Minor)
3rd respondent Minor rep. by
mother and NF 1st respondent)
4.Periyasamy
5.Sasikumar

.... Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree in MCOP No.1864 of 2014 dated 23.08.2017 on the file of the Motor Accidents Claims Tribunal, III Additional District Court, Salem.

For Appellant : Mr.N.Vijayaraghavan

For Respondents : Mr.S.P.Yuvaraj for R1 to R4

J U D G M E N T

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

Heard the learned counsel for the appellant. Mr.S.P.Yuvraj, learned counsel takes notice for respondents 1 to 4.

2. The Insurance Company has come forward with this appeal challenging the quantum of compensation awarded by the Tribunal.

3. The deceased was aged about 54 years at the time of accident, which happened on 03.02.2014. He was working as Health Inspector Grade I in the Primary Health Centre. The income of

the deceased was determined at Rs.30,459/- per month. Considering the age of the deceased, the Tribunal has not granted any amount towards future prospects. The Tribunal has also deducted Rs.10,153/- viz., 1/3 of his salary towards his personal expenses and has taken the balance amount of Rs.20,306/- as his monthly income. The Tribunal adopted "11" as multiplier and determined the loss of income at Rs.26,80,700/-. It also awarded the following amounts on other heads:-

- i) Loss of Consortium : Rs.25,000/-
- ii) Loss of Love and Affection : Rs.50,000 (Rs.25,000 x 2) to two children
- iii) Funeral Expenses : Rs.10,000/-
- iv) Transport Expenses : Rs.5,000/-

4. Though the learned counsel for the appellant would attempt to attack the Award as excessive, he is unable to point out any head under which Award could be termed as excessive. The appellant has also raised a ground that the Tribunal had erred in adding 15% towards future prospects. However, a reading of the Award would go to show that the Tribunal has not actually granted any amount towards future prospects.

5. We are therefore of the view that Award is just and reasonable and it does not call for interference. Hence, this Civil Miscellaneous Appeal is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True copy// सत्यमेव जयते

Sub Assistant Registrar

(svki)
To
The Motor Accidents Claims Tribunal,
III Additional District Court, Salem.

+1cc to Mr.M.B.Gopalan, Associates Advocate SR.No.57748
+1cc to Mr.S.P.Yuaraj, Advocate SR.No.57354

CMA No.1840 of 2018

GMY (20/09/2018)