

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2018

CORAM:

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

C.M.A.No.2086 of 2018 and
C.M.P.No.16206 of 2018

Reliance General Insurance Co. Ltd.,
Represented by its Manager,
No.73, 1st Floor, Officers Line,
Vellore - 632 001
Vellore District. ...Appellant/2nd Respondent

-vs-

1.Mageswari
2.Minor.Ravikiran
3.Minor.Kaviya
(Minors represented by their mother and
NF Mageswari)
4.Byri ... Respondent 1 to 4/Petitioner
5.P.Madhu ...5th Respondent/1st Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Award and Decree dated 30.01.2018 made in M.C.O.P.No.245 of 2017 on the file of the Motor Accidents Claims Tribunal, Special District Judge, Krishnagiri.

For Appellant : Mr.S.Arun Kumar

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 award of compensation at Rs.18,84,400/- for the death of one Chinnavenkatraman, aged about 35 years in a motor accident that occurred on 23.08.2016.

2. Mr.S.Arunkumar, learned counsel for the appellant does not challenge the finding of the Tribunal on the question of negligence. The only challenge is to the quantum of compensation.

3. According to the claimants, the deceased was a part-time Conductor earning about Rs.25,000/- per month. Since there was no proof for the income, the Tribunal has taken the notional income at Rs.9,000/- after deducting 1/4 towards personal expenses and adding 40% towards future prospects applying a multiplier of "16" and arrived total loss of dependency at Rs.18,14,400/-. The Tribunal has awarded Rs.40,000/- towards Loss of Consortium, Rs.15,000/- towards Loss of Estate and Rs.15,000/- towards Funeral Expenses.

4. Though Mr.Arunkumar, learned counsel for the appellant would contend that there is no proof for actual income, we find that the fixation of notional income at Rs.9,000/- for an accident that occurred on 23.08.2016 cannot be said to be unjust or unreasonable. We are therefore of the view that the Award does not call for any interference at our hands.

5. We therefore dismiss the Civil Miscellaneous Appeal. No costs. Consequently, connected miscellaneous petition is closed.

6. The appellant - Insurance Company is directed to deposit the award amount, less the amount, if any, already deposited, along with accrued interest within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit, the major claimants are permitted to withdraw their share of the amount awarded by the Tribunal. The direction of the Tribunal regarding deposit of the share of the minor claimants is sustained.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

(svki)

To

The Motor Accidents Claims Tribunal,
Special District Judge, Krishnagiri.

+1cc to Mr. S.Arun Kumar, Advocate, S.R.No. 65627

C.M.A.No.2086 of 2018

RSI (CO)
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