

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 01/02/2018

PRONOUNCED ON : 20/07/2018

CORAM:

THE HONOURABLE MR. JUSTICE R. SUBBIAH
and
THE HONOURABLE MR. JUSTICE P.D. AUDIKESAVALU

Civil Miscellaneous Appeal No. 1635 of 2013
Cross Objection No. 1 of 2018
and
M.P. No. 1 of 2013

C.M.A. No. 1635 of 2013

United India Insurance Company Limited
having its Divisional Office
Kandasamy Street
Ranipet

.. Appellant/2nd Respondent

Versus

1. Malarvizhi
2. Paavai
3. Tamizharasi
4. Thenmozhi
5. Kalyani

6. M/s. Azhagu Security Service Private Limited
having office at No.C-104
Crescent Road, Thiruvengada Nagar
Ambathur, Chennai - 600 053

.. Respondents/Petitioner 1 to 5, 1st respondent

Cross Objection No.1 of 2018

1. Malarvizhi
2. Paavai
3. Tamizharasi
4. Thenmozhi
5. Kalyani

.. Cross Objectors

Versus

1. United India Insurance Company Limited
having its Divisional Office
Kandasamy Street
Ranipet
2. M/s. Azhagu Security Service Private Limited
having office at No.C-104
Crescent Road, Thiruvengada Nagar
Ambathur, Chennai - 600 053

.. Respondents

CMA No. 1635 of 2013:- Appeal filed under Section 173 of The Motor Vehicles Act, 1988 against the Judgment and Decree dated 11.07.2012 made in MCOP No. 370 of 2002 on the file of The Motor Accidents Claims Tribunal (Sub Court), Ranipet.

Cross Objection No. 1 of 2018:- Cross Objection filed under Order 41 Rule 22 of The Code of Civil Procedure against the Judgment and Decree dated 11.07.2012 made in MCOP No. 370 of 2002 on the file of The Motor Accidents Claims Tribunal (Sub Court), Ranipet.

CMA No. 1635 of 2013

For Appellant : Mr. S. Arunkumar
For Respondent : Mr. Ma.Pa. Thangavel
for Mr. Mohana Murali for RR1 to 5

Cross Objection No. 1 of 2018

For Cross Objectors : Mr. Ma.Pa. Thangavel
For Respondent : Mr. S. Arunkumar for R1

COMMON JUDGMENT

R. Subbiah, J

The Insurance Company has filed the above Civil Miscellaneous Appeal No. 1635 of 2013 questioning the correctness of the Judgment and Decree dated 11.07.2012 made in MCOP No. 370 of 2002 on the file of The Motor Accidents Claims Tribunal (Sub Court), Ranipet.

2. The claimants in MCOP No. 370 of 2002 have filed Cross Objection No.1 of 2008 seeking enhancement of the compensation amount awarded in the Judgment and Decree dated 11.07.2012 made in MCOP No. 370 of 2002 on the file of The Motor Accidents Claims Tribunal (Sub Court), Ranipet.

3. As the Civil Miscellaneous Appeal and the Cross Objection are inter-connected with each other and arise out of the same Judgment and Decree dated 11.07.2012 made in MCOP No. 370 of 2002 on the file of The Motor Accidents Claims Tribunal

(Sub Court), Ranipet, they are taken up together and are disposed of by this common Judgment.

4. For the sake of convenience, the parties to the Civil Miscellaneous Appeal and the Cross-Objection are referred to as per their litigative status in C.M.A. No. 1635 of 2013

5. The claimants/respondents 1 to 5 in CMA No. 1635 of 2013 are the wife and daughters of the deceased Aranganathan. In the claim petition, it was contended by the claimants that on 25.05.2001 at about 12.45 am, the deceased was returning from Sholingar to Vellore in his Ambassador car bearing Registration Number TN 23 A 7549 by sitting next to the driver of the car. At that time, the Tata Sierra Car bearing Registration No. TN 02 Z 1613 owned by the sixth respondent in the appeal, being driven by its driver in a rash and negligent manner from the opposite direction dashed against the vehicle of the deceased. In the impact, the deceased sustained grievous injuries all over his body and died on the spot. According to the claimants, the deceased was a dynamic and leading businessman in the locality and carrying on several business for the past 25 years. The deceased was a whole sale dealer for 25 leading Companies such as Ramco Cement, Southern Petro Chemicals, Madras Fertilizers, EID Parry India Limited. Etc., He also owned 9 shops, 9 godown and 3 offices for trading purpose in Sholingar and Vellore Town. The deceased also owned 36.76 acres of land in Sholingar in his name. The deceased was also running Spic Agro Centre in Sholingar and maintaining two Tractors and trailers and 10 power sprayers for agricultural purpose. According to the claimants, the deceased was the one and only authorised dealer for SPIC India Limited in Vellore District. During the life time of the deceased, he had owned four cars and five two wheelers for his business purpose. He also undertook contractual works by participating in the tender floated by Municipal Corporation, Public Works Department etc., It was further stated that around 50 to 75 employees were working in the business run by the deceased. Above all, the deceased was also a politician engaged with a prominent political party in the Country. According to the claimants, the deceased was an Income Tax Assessee and his annual turn over was around Rs.7,50,00,000/-. The deceased left behind him his widowed wife and four unmarried daughters and after his death, there is no male member in the family to support the claimants. The claimants were unable to maintain the business run by the deceased and to collect the debts payable to the deceased by the borrowers, as a result, the claimants were put to extreme loss and hardship. Therefore, the claimants have filed the claim petition claiming a sum of Rs.99,90,000/- as compensation for the death of the deceased.

6. The claim petition was resisted by the Insurance Company by contending that the nature of avocation of the

deceased and the income said to have been derived through such business are to be proved by the claimants. Further, the claim petition is liable to be dismissed for not impleading the insurer of the Ambassador Car owned by the deceased, in which he travelled at the time of accident. It was further contended that the Ambassador Car owned by the deceased had only Act policy which covers the risk confronted by third parties. Inasmuch as the deceased was the owner of the Ambassador Car and he was not a third party, the Insurer of the Ambassador Car was conveniently not made as a party to the claim petition. Further, according to the Insurance company, as per the sketch appended to the first information report, the Ambassador Car driven by the driver hit against a parapet wall of the bridge and thereafter the Ambassaodr car, to avoid falling down from the bridge, seems to have turned to right side and in that process hit the on-coming Tata Sierra Car. As the deceased was sitting on the left side of the car, he sustained injury in the impact of the collision. Therefore, the Insurance company attributed negligence on the part of the driver of the Car in which the deceased was travelling and consequently pleaded to absolve them from any liability for payment of compensation to the claimants. Thus, the Insurance Company prayed for dismissal of the Claim Petition.

7. Before the Tribunal, in order to substantiate the averments made in the claim petition, on behalf of the claimants, the first claimant examined herself as PW1, the driver of the Ambassador Car was examined as PW2 and another witness was examined as PW3 and Exs. P1 to 52 were marked. On behalf of the respondents, two witnesses were examined as RW1 and RW2 of which RW2 was the driver of the Tata Sierra Car. Ex.R1, investigation report was marked as a document on behalf of the respondents. The Tribunal, on analysing the oral and documentary evidence fixed the agricultural and business income of the deceased at Rs.4,60,295/-. By taking 30% of the income of the deceased towards future prospects, which worked out to Rs.1,36,089/-, the Tribunal arrived at a sum of Rs.5,98,387.40 towards the annual income of the deceased. Out of this amount, 25% was deducted towards personal expenses of the deceased which worked out to Rs.1,49,596.85. Accordingly, the Tribunal arrived at a sum of Rs.4,48,790.55 as yearly income of the deceased. By applying the multiplier '13', the Tribunal awarded a sum of Rs.58,34,277/- as total loss of income of the deceased. The Tribunal also awarded a sum of Rs.10,000/- towards funeral expenses and another sum of Rs.10,000/- towards loss of consortium to the first claimant/wife. Further, a sum of Rs.10,000/- each was awarded towards loss of love and affection to the claimants totalling a sum of Rs.50,000/-. Thus, a total sum of Rs.59,04,000/- was awarded by the Tribunal as compensation, the break-up of which is as follows:-

Loss of income	:	Rs.58,34,277.00
Funeral Expenses	:	Rs. 10,000.00
Loss of consortium to 1 st claimant:		Rs. 10,000.00
Loss of love and affection (Rs.10,000 X 5)	:	Rs. 50,000.00

		Rs.59,04,277.00
Rounded off to		Rs.59,04,000.00

8. This amount of Rs.59,04,000/- was directed to be paid by the Insurance Company to the claimants with interest at the rate of 7.5% per annum from the date of filing the claim petition till the date of realisation and with costs.

9. Assailing the award passed by the Tribunal, the learned counsel for the Insurance Company would contend that the Tribunal did not render any finding as to the negligence on the part of the driver of the Cars involved in the accident. Even though the drivers of both the cars were examined before the Tribunal as PW2 and RW2, the Tribunal simply concluded that since RW2, the driver of the Tata Sierra Car, was prosecuted before the Criminal Court for negligent driving of the vehicle, the Tribunal mechanically concluded that RW2 alone is responsible for the accident. The contention of the claimants that both the cars have collided head on is contrary to the facts when damage was caused to the Tata Sierra Car only on the left side corner. Therefore, according to the learned counsel for the Insurance Company the accident was caused due to the rash and negligent driving of the driver of the Ambassador car in which the deceased travelled as an occupant. Further, the insurer of the Ambassador Car was not impleaded as a party to the claim petition which is fatal to the case of the claimants. In such circumstances, the Tribunal ought not to have directed the Insurance Company to pay the entire compensation amount to the claimants.

10. The learned counsel appearing for the appellant/Insurance Company would further contend that before the trial Court, the first claimant, who is the wife of the deceased, was examined as PW1. During the course of her deposition, she has categorically admitted that even after the death of the deceased, she and her daughters are utilising the entire extent of land owned by the deceased for agricultural purpose and deriving income by engaging a person to look after those activities. In this regard, the learned counsel for the appellant relied on the decision of the Honourable Supreme Court in (State of Haryana and another vs. Jasbir Kaur and others) reported in 2003 AIR SCW 4198 wherein it was held that the land possessed by the deceased still remains with the claimants and

they have succeeded to the estate of the deceased as his legal heirs. There is however possibility that the claimants may be required to engage persons to look after agriculture. Thus, by placing reliance on the above decision, the learned counsel for the appellant would contend that if the legal heirs of the deceased continued with the business hitherto carried on by the deceased, including agricultural activities by engaging a person to look after the business, they can get the prospects of the business hitherto carried on by the deceased. Therefore, according to the learned counsel for the appellant/Insurance Company, there is no loss of income occasioned to the claimants due to the death of the deceased. This could be fortified from Ex.P52 whereby the claimants have plotted out the land owned by the deceased and sold it to various prospective purchasers on 24.01.2008.

11. As far as the proceedings before the Debt Recovery Tribunal, Vellore, in O.A. No. 126 of 2004, in respect of the property owned by the deceased, it is contended by the learned counsel for the appellant that only a small portion of a house measuring 737 square feet was brought to sale by the Tribunal to realise the debts incurred by the deceased. Notwithstanding the fact that the house property was brought to sale, the legal heirs of the deceased, who are the claimants herein, have redeemed even this property by entering into an One Time Settlement with the Bank. This was not taken note of by the Tribunal while arriving at the loss of income of the deceased.

12. The learned counsel for the appellant would further contend that as per the Income Tax return submitted by the deceased for the assessment year 1997-1998, the wine shop business hitherto carried on by him was closed due to loss on 31.05.1999. Similarly, the cement business that was carried on by the deceased was also closed on 30.03.1999. However, the claimants claimed as though the deceased continued with those business until his death and that has weighed the Tribunal to calculate the loss of income of the deceased. The Claimants have also claimed that the deceased was carrying on real estate business and undertaking to do contract works, thereby, the deceased earned a sum of Rs.30,000/- per annum, however, no documentary evidence has been produced to substantiate the same. According to the learned counsel for the appellant, the Income Tax Return submitted by the deceased alone has to be taken into account for the purpose of calculating the loss of income. As per the income tax return filed by the deceased just prior to his death, for the period from 2000-2001, his annual income through agricultural property and business was Rs.1,74,864/- and this alone has to be taken as the loss of income of the deceased. However, the Tribunal has erroneously arrived at a sum of Rs.4,46,790.55 as yearly loss of income of the deceased on the ground that an assessee of income tax, except salaried

person, will submit his income tax returns for a lower taxable income. This finding of the Tribunal, according to the learned counsel for the appellant, cannot be sustained under law as the income declared by an assessee will be construed as the lawful and legitimate income of an assessee. Therefore, according to the learned counsel for the appellant, the Tribunal ought not to have presumed over and above the income declared by the deceased in his income tax returns to determine the loss of his income.

13. The learned counsel for the appellant/Insurance company would further contend that the Tribunal erred in taking 30% of income of the deceased towards future prospects, especially when the deceased was a businessman and his income may not be stable. Further, the claimants have furnished speculative income of the deceased which was accepted by the Tribunal in the absence of any documentary evidence to substantiate the same. The learned counsel for the appellant therefore prayed for setting aside the award passed by the Tribunal.

14. Per contra, the learned counsel for the respondents/claimants would vehemently contend that even in the claim petition, the claimants have clearly narrated the dynamic vision with which the deceased conducted several business and the income derived by him. Such averments made in the claim petition were also substantiated by filing as many as 52 documents. The learned counsel for the respondents/claimants also submits that the deceased is an assessee under the Income Tax Act which could be evident from Exs. P10 and P11, series of income tax returns filed for the year 1995-1996 to 2000-2001 respectively to contend that the Tribunal failed to take into account the total income declared by the deceased therein for the purpose of computing the loss of income. According to the learned counsel for the respondents/claimants, the total income of the deceased, as per Ex.P11 series is Rs.17,90,378.93/-, Rs.27,31,588.16/-, Rs.30,78,224.56/-, Rs.26,97,739.78 and Rs.26,97,423.78/- respectively for the assessment years 1995-1996 to 2000-2001. However, the Tribunal failed and neglected to take into account the income declared by the deceased under Ex.P11 series which resulted in the Tribunal awarding a meagre amount as compensation to the claimants.

15. The learned counsel for the respondents/claimants also invited the attention of this Court to Exs. P15 and P16 wherein certain contractual works were awarded in favour of the deceased by the Commissioner, Sholingur Municipality and the Chief Officer - Engineering (Village Roads), Chengalpatrtu. Reference was also made to solvency certificate issued in favour of the deceased by the Tahsildar, Ranipet under Ex.P17 to show that the deceased was resourceful enough to offer solvency even to the tune of Rs.30 lakhs approximately. Further, the learned counsel placed reliance on Exs. P18 to 20, sale deeds in the name of the deceased in respect of various lands by engaging himself in real

estate business. The learned counsel for the respondents also placed reliance on Exs. P47 and P48 to show that the annual turnover in respect of the wine shop business carried on by the deceased for the assessment year 1998 and 2000 was Rs.2,95,37,949/- and Rs.2,60,91,936/- respectively. It was specifically contended by the learned counsel for the respondents/claimants that proceedings were initiated against the deceased by filing O.A. No. 126 of 2004 before the Debts Recovery Tribunal-I, by the Indian Bank under the SARFAESI Act. According to the learned counsel for the respondents, the legal heirs of the deceased agreed to settle the entire dues and accordingly, the entire due amount of Rs.56,23,000/- payable to the bank was settled by the respondents under Ex.P51 by selling certain properties which stood in the name of the deceased pursuant to which the Indian Bank released the documents in respect of the mortgaged property and the Original Application was also disposed of on 21.06.2007 recording the aforesaid one time settlement effected between the bank and the respondents herein. Thus, according to the learned counsel for the respondents/claimants, the deceased was a leading businessman and he had engaged more than 100 workers in order to carry on various business. However, after the death of the deceased, more than 32 business ventures carried run by the deceased were closed and the agricultural lands measuring an extent of 36.76 acres were sold for a meagre amount to clear the debts due to Indian Bank. Above all, it is contended by the learned counsel for the respondents that as per Ex.P47, the annual assessment of income of the deceased for the year 1999 was Rs.2,96,37,949/- being the turn over from Pavai Traders and Pavai Wines. For the year 2000, as per Ex.P48, his annual income was Rs.2,60,91,936/- being the tuirn over from Pavai Traders and Pavai Wines. Therefore, on the basis of the above documentary evidence, the Tribunal ought to have taken a sum of Rs.50,000/- per month as income of the deceased instead of fixing a sum of Rs.4,46,790.55 as yearly income of the deceased. Therefore, according to the counsel for the claimants the Tribunal failed to properly appreciate the documentary evidence filed on behalf of the claimants to prove the various business carried on by the deceased and non-consideration of the same warrants interference by this Court. Accordingly, the learned counsel for the claimants prayed for allowing the Cross Objection filed by the claimants.

16. We have heard the counsel for both sides and perused the materials placed on record. The deceased died in a motor accident when he was travelling as an occupant in the car owned by him bearing Registration No. TN 23 A 7549. The car was driven by PW3 on the fateful day. According to the claimants, the accident had occurred due to the rash and negligent driving of the driver of the Tata Sirra Car driven by RW2, whereas, it was contended on behalf of the insurance company that the accident

had occurred only due to the negligent driving of the driver of the Car owned by the deceased and which was driven by PW3. According to RW2, due to the rash and negligent driving of the driver of the Ambassador Car in which the deceased travelled, the car hit against the wall of the bridge on the left side of the road, turned to its right and then dashed against the car driven by him. But the evidence of RW2 was rejected by the Tribunal by taking note of the fact that the first information report was registered only as against RW2, Driver of the Tata Sierra Car and the criminal proceedings initiated against him in C.C. No. 347 of 2002 ended in conviction. The Judgment was also marked as Ex.P5 before the Tribunal and based on the same, the Tribunal has come to the conclusion that the accident occurred only due to the rash and negligent driving of the Tata Sierra Car by RW2. Admittedly, as against the sentence of fine, RW2 did not prefer any appeal. In such circumstances, we are of the opinion that the Tribunal is right in holding that it was due to the rash and negligent driving of RW2, the Driver of Tata Sierra Car, the accident had occurred hence we do not find any reason to interfere with such a factual finding recorded by the Tribunal.

17. As far as the claim for compensation is concerned, it is stated that the deceased engaged himself in various business through which he had purchased several movable and immovable property, including agricultural lands. According to the claimants, the deceased engaged himself in real estate business and he also participated in the tenders floated by the Government through their various departments and out of such engagement, he earned at least a sum of Rs.30,000/- per month. In this context, the solvency certificate issued in favour of the deceased by the Tahsildar, Ranipet was marked as Ex.P17 to demonstrate that the deceased was capable of offering solvency even to the tune of Rs.30 lakhs approximately. Further, the learned counsel relied on Exs. P18 to 20, sale deeds in the name of the deceased in respect of various lands purchased by him by engaging himself in real estate business. Unfortunately, these incomes were not reflected in the income tax returns filed by the deceased. In such circumstances, the income said to have derived by the deceased under Ex.P17 to P20 cannot be given much credence.

18. In order to prove the income of the deceased, various documents were marked, including the income tax returns of the deceased for a period of five years from 1999 to 2001 under Ex.P11. As per the income tax returns filed by the claimants under Ex.P11, the income of the deceased for the assessment year 1996-1997 was Rs.1,87,234/-. For the year 1997-1998, the income was Rs.2,09,211/-. Similarly, for the assessment year 1998-1999, 1999-2000 and 2000-2001, the income of the deceased was Rs.2,04,725/-, Rs.1,58,519/- and Rs.1,74,864/- respectively.

Admittedly, there has been a slump in the income of the deceased from 1999-2000 and 2000-2001 when compared to the income declared by the deceased during 1998-1999. In other words, in the income tax returns submitted by the deceased, the highest amount declared was Rs.2,09,211/- for the assessment year 1997-1998 and it can safely be taken into account for the purpose of calculating the loss of income of the deceased. It is needless to mention that whatever the business assignment in which the deceased said to have engaged himself and earned money, for the purpose of computation of his income, the income tax returns filed by the deceased alone will serve as the best piece of evidence and which would truly disclose his yearly income. When the income tax returns were marked as documents, the other documents filed by the claimants to show the income of the deceased, his financial capacity or resourcefulness cannot have much significance. In other words, the income tax returns submitted by the deceased would outweigh the other documentary evidence filed by the claimants to show the income earned by the deceased. The income tax returns being a statutory document, it can be taken into account for the purpose of determining the loss of income of the deceased. Thus, the contention of the claimants that the annual income of the deceased will not be less than Rs.6 lakhs and such amount has to be taken into account for determining his loss of income cannot be countenanced besides it is contrary to the income tax returns filed by the deceased. As rightly pointed out by the learned counsel for the appellant/insurance company, the findings of the Tribunal that an individual assessee may not disclose his true and correct income at the time of filing the returns and that he may even disclose a lesser amount as his income cannot be countenanced.

19. It is also to be mentioned that the Motor Vehicles Act is a benevolent legislation intended to compensate the victims of motor accident with an avowed object to add succour to the livelihood of the claimants and it is not a forum where the compensation is not expected to be a windfall or a bounty for the claimants. The compensation that is payable to the claimants must be 'just and fair' compensation intended to provide a source for livelihood and it should not be a mode to resort to augment his or her existing wealth. While determining the loss of income of the deceased in a Motor accident the Courts are bound to look into the wherewithal and resourcefulness of the claimants to lead a decent life with the wealth made available by the deceased prior to his or her death.

20. In the present case, admittedly, the deceased, through his business earnings, had left several movable and immovable properties. It is not disputed by the claimants as well. Even as per the contention of the claimants, after the death of the deceased, they could not maintain the 9.50 acres of lands owned

by the deceased and they were plotted out and sold to various individuals on 24.01.2008 as per Ex.P52. It was also an admitted fact that during 2007, when the immovable property owned by the deceased was brought for auction sale and the Bank had filed an Original Application before the Debts Recovery Tribunal, Chennai, the legal heirs have settled the dues payable to the bank to the tune of Rs.56,23,000/- as One Time Settlement. Thus, the claimants have succeeded to the estate of the deceased and are in a position to maintain themselves with the resources made available by the deceased. Therefore, with this background, the compensation amount payable to the deceased has to be determined.

21. The Tribunal proceeded to determine the compensation payable to the claimants by taking the income of the deceased at Rs.4,60,295/-, which is contrary to the income tax returns of the deceased marked under Ex.P11. As per Ex.P11, the income tax returns submitted by the deceased for the assessment year 1997-1998 was Rs.2,09,211/- which is the highest amount declared by the deceased himself in his income tax returns. Therefore, the sum of Rs.2,09,211/- declared by the deceased himself can be taken into account for the purpose of determining the compensation amount payable to the claimants. At the same time, as the deceased was a businessman and engaged in several business, he must have the prospects of improving his business over a period of time and consequently, his income would have grown. Further, we also note that the deceased was 47 years at the time of accident. In such circumstances, we feel that a lump sum of Rs.40,000/- per annum can be added towards his future prospects, making the total annual income of the deceased at Rs.2,50,000/- without giving any deduction towards his personal expenses. Applying multiplier '13' the compensation amount payable to the claimants due to the loss of income of the deceased would work out to $\text{Rs.2,50,000} \times 13 = \text{Rs.32,50,000/-}$.

22. The Tribunal also awarded a sum of Rs.10,000/- towards funeral expenses, Rs.10,000/- towards loss of consortium to the first claimant/wife, Rs.50,000/- towards loss of love and affection to the claimants at the rate of Rs.10,000/- each. We feel that the sum of Rs.10,000/- awarded towards funeral expenses is very low and it can be enhanced to Rs.15,000/-. Similarly, the Tribunal awarded Rs.10,000/- as loss of consortium to the first respondent/wife. As per the decision of the Honourable Supreme Court in the case of (National Insurance Company Limited vs. Pranay Sethi and others) reported in (2017 (2) TNMAC 609 (SC) a maximum sum of Rs.40,000/- can be awarded towards loss of consortium and following the same, we award a sum of Rs.40,000/- towards loss of consortium to the first respondent/wife. At the same time, we feel that the Tribunal is justified in awarding Rs.10,000/- to each of the respondents towards loss of love and affection and we are not inclined to

interfere with the same. Thus, the claimants are entitled to a total compensation of Rs.33,55,000/- which is tabulated as under

Loss of income	:	Rs.32,50,000.00
Funeral Expenses	:	Rs. 15,000.00
Loss of consortium to 1 st claimant	:	Rs. 40,000.00
Loss of love and affection (Rs.10,000 X 5)	:	Rs. 50,000.00

Total		Rs.33,55,000.00

23. In the result, CMA No. 1635 of 2013 filed by the appellant/Insurance Company is partly allowed by modifying the Judgment and Decree dated 11.07.2012 made in MCOP No. 370 of 2002 on the file of The Motor Accidents Claims Tribunal (Sub Court), Ranipet reducing the compensation amount payable to the claimants from Rs.59,04,000.00 to Rs.33,55,000/- with interest as has been awarded by the Tribunal. This amount of Rs.33,55,000/- is directed to be deposited by the appellant/insurance company within a period of eight weeks from the date of receipt of a copy of this Judgment with accrued interest to the credit of MCOP No. 370 of 2002 on the file of Motor Accident Claims Tribunal (Sub Court) Ranipet.

24. In view of the Judgment passed in CMA No. 1635 of 2013, Cross Objection No. 1 of 2018 filed by the claimants for enhancement of compensation amount is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

The Sub Judge, Motor Accidents Claims Tribunal
(Sub Court), Ranipet.

+2cc to M/s.K.Mohanamurali, Advocate sr.no.48600
+1cc to Mr.S.Arunkumar, Advocate sr.no.49007

CMA No. 1635 of 2013
and
Cross Obj No. 1 of 2018

nr 23/08/2018