

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 25.02.2019
Pronounced on : 06.03.2019

CORAM:
THE HONOURABLE Mr.JUSTICE RMT.TEEKAA RAMAN

C.M.A.Nos.102 to 106 of 2011
and
M.P.Nos.1 & 2 of 2011 (5 cases)
and
CROS.OBJ.Nos.95 to 99 of 2016

M/s.National Insurance Co.Ltd.,
By its Branch Manager,
Pudupalayam, Erode Main Road,
Gobichettipalayam ... Appellant/5th Respondent
(in all C.M.A's)

Versus

1.Dinesh Babu ...1st Respondent/Petitioner
2.S.Mohanselvam
3.The New Indian Assurance Co.Ltd.,
Rep.by its Branch Manager,
New Hospital Road,
Gobichettipalayam.

4.A.Khaja Mohideen ...Respondents R2 to 5/Respondents
5.K.Jayakumar

(Respondents 4 & 5 exparte in Lower Court and
hence notice may be dispensed with) ... Respondents
(in C.M.A.No.102 of 2011)
and

1.Y.Prakash
2.S.Mohanselvam
3.The New Indian Assurance Co.Ltd.,
Rep.by its Branch Manager,
New Hospital Road,
Gobichettipalayam

4.A.Khaja Mohideen
5.K.Jayakumar
(Respondents 4 & 5 exparte in Lower Court and
hence notice may be dispensed with) ... Respondents
(in C.M.A.No.103 of 2011)

and

1.A.Santhosh Kumar
2.S.Mohanselvam

3.The New Indian Assurance Co.Ltd.,
Rep.by its Branch Manager,
New Hospital Road,
Gobichettipalayam

4.A.Khaja Mohideen
5.K.Jayakumar

(Respondents 4 & 5 exparte in Lower Court and
hence notice may be dispensed with) ... Respondents
(in C.M.A.No.104 of 2011)
and

1.Sudhakar
2.S.Mohanselvam

3.The New Indian Assurance Co.Ltd.,
Rep.by its Branch Manager,
New Hospital Road,
Gobichettipalayam

4.A.Khaja Mohideen
5.K.Jayakumar

(Respondents 4 & 5 exparte in Lower Court and
hence notice may be dispensed with) ... Respondents
(in C.M.A.No.105 of 2011)
and

1.Mohandas
2.Renuka
3.S.Mohanselvam

4.The New Indian Assurance Co.Ltd.,
Rep.by its Branch Manager,
New Hospital Road,
Gobichettipalayam

5.A.Khaja Mohideen
6.K.Jayakumar

(Respondents 5 & 6 exparte in Lower Court and
hence notice may be dispensed with) ... Respondents
(in C.M.A.No.106 of 2011)

Cross.Obj.No.95 of 2016:
Dinesh Babu

... Appellant

Versus

1.M/s.National Insurance Co.Ltd.,
By its Branch Manager,
Pudupalayam, Erode Main Road,
Gobichettipalayam.

2.S.Mohanselvam

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(in C.M.A.No.102 of 2011)

Cross.Obj.No.96 of 2016:

Y.Prakash

... Appellant

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(Respondents 4 & 5 exparte in Lower Court and
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(in C.M.A.No.103 of 2011)

Cross.Obj.No.97 of 2016:

A.Santhosh Kumar

... Appellant

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(in C.M.A.No.104 of 2011)

Cross.Obj.No.98 of 2016:

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... Appellant

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(Respondents 4 & 5 exparte in Lower Court and
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(in C.M.A.No.105 of 2011)

Cross.Obj.No.99 of 2016:

1.Mohandas

2.Renuka

... Appellants

Versus

3.S.Mohanselvam

4.The New Indian Assurance Co.Ltd.,
Rep.by its Branch Manager,
New Hospital Road,
Gobichettipalayam

5.A.Khaja Mohideen
6.K.Jayakumar

(Respondents 5 & 6 exparte in Lower Court and
hence notice may be dispensed with) ... Respondents
(in C.M.A.No.106 of 2011)

Common Prayer for CMA.Nos.102 to 106 of 2011 :

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgments and decrees made in M.C.O.P.Nos.9, 10, 14, 15 & 18 of 2010, dated 28.06.2010 respectively, on the file of the Motor Accidents Claims Tribunal, Subordinate Court, Sathyamangalam.

Common Prayer for Cross Objection Nos.95 to 99 of 2016:

Cross Objection Appeals are filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the award amount in the Judgments and decrees passed in M.C.O.P.Nos. 9, 10, 14, 15 & 18 of 2010, dated 28.06.2010 respectively, on the file of the Motor Accidents Claims Tribunal, Subordinate Court, Sathyamangalam.

C.M.A.No.102 of 2011:

For Appellant : Mr.N.Vijayaraghavan
(for R1 in Cros.Obj.No.95 of 2016)

For R1 and R2 : Mr.Ma.P.Thangavel
(for A1 in Cros.Obj.No.95 of 2016)

For R3 : Mr.P.G.Padmanabhan
(for R3 in Cros.A.No.95 of 2016)

For R4&R5 : Exparte

C.M.A.No.103 of 2011:

For Appellant : Mr.N.Vijayaraghavan
(for R1 in Cros.Obj.No.96 of 2016)

For R1 and R2 : Mr.Ma.P.Thangavel
(for A1 in Cros.Obj.No.96 of 2016)

For R3 : Mr.P.G.Padmanabhan
(for R3 in Cros.A.No.97 of 2016)

For R4&R5 : Exparte

C.M.A.No.104 of 2011:

For Appellant : Mr.N.Vijayaraghavan
(for R1 in Cros.Obj.No.97 of 2016)

For R1 : Mr.Ma.P.Thangavel
(for A1 in Cros.Obj.No.97 of 2016)

For R3 : Mr.P.G.Padmanabhan
(for R3 in Cros.A.No.97 of 2016)

For R4&R5 : Exparte

C.M.A.No.105 of 2011:

For Appellant : Mr.N.Vijayaraghavan
(for R1 in Cros.Obj.No.98 of 2016)

For R1 : Mr.Ma.P.Thangavel
(for A1 in Cros.Obj.No.98 of 2016)

For R3 : Mr.P.G.Padmanabhan
(for R3 in Cros.A.No.98 of 2016)

For R4&R5 : Exparte

C.M.A.No.106 of 2011:

For Appellant : Mr.N.Vijayaraghavan
(for R1 in Cros.Obj.No.99 of 2016)

For R1 to R3 : Mr.Ma.P.Thangavel
(for A1 & A2 in Cros.Obj.No.99 of 2016)

For R4 : Mr.P.G.Padmanabhan
(for R3 in Cros.A.No.99 of 2016)

For R5&R6 : Exparte

COMMON JUDGMENT

All these appeals are filed by National Insurance company limited challenging the Common Judgment and decree dated 28.06.2010 in M.C.O.P.Nos.9, 10, 14, 15 & 18 of 2010, dated 28.06.2010 respectively, on the file of the Motor Accidents Claims Tribunal, Subordinate Court, Sathyamangalam.

2.As against the very same judgment, seeking enhancement of the compensation awarded by the Tribunal, the claimants have filed Cross Objections.

3.By separate Judgments dated 28.06.2010, the Tribunal, while determining the compensation payable to the claimants directed the appellant/Insurance company to pay the compensation by specifically holding that the accident was caused, as a result of the vehicle insured with the appellant/Insurance company.

4.The accident in this case had taken place on 18.05.2006 at about 9.30 am. According to the claimants, they are occupants of the share auto bearing Regn.No.TN-30-EA-5710 and when the vehicle was proceeding from Tiruppur to Perumanallur, the lorry bearing Regn.No.KA-14-1067 came from the opposite direction and hit against the share auto, in which, the respective claimants were traveling. Due to the impact, the claimants suffered grievous injuries, which were more fully described in column No.3 (K) in the respective claim petition filed by the claimants before the Tribunal. Therefore, for the injuries sustained by the claimants, they have filed the respective claim petition seeking compensation.

5.All these claim petitions have been resisted by the appellant/Insurance company by contending that it was an error committed on the part of the share auto driver, who was driving the vehicle in a careless manner, which is the cause for accident. Therefore, the Insurance company pleaded that they cannot be mulcted with any liability to pay compensation to the claimants. The insurance company also denied the various averments made by the claimants in the respective claim petitions, with respect to their age, occupation, avocation and income. Thus, the insurance company prayed for dismissal of the claim petitions made by the claimants before the Tribunal.

6.Before the Tribunal, common evidence was let in all the claim petitions namely M.C.O.P.Nos.9, 10, 14, 15 & 18 of 2010. On behalf of the claimants, PW1 to 3 were examined and as many as thirty six documents as Ex's.P1 to P36 were marked. On behalf of the respondents, RW1 to 3 were examined and Ex's.R1 to R4 were marked.

7.After analysing the evidence and records made in M.C.O.P.Nos.9, 10, 14, 15 & 18 of 2010, the Tribunal awarded a sum of Rs.91,000/-, Rs.1,27,600/-, Rs.92,800/-, Rs.1,72,000/- and Rs.3,85,000/- respectively in favour of the claimants and directed the said award amounts to be paid by the appellant/Insurance company.

8.Challenging the compensation amount awarded by the Tribunal by fastening the liability on the part of the driver of the lorry bearing Registration No.KA-14-1067, which was insured with the appellant/Insurance company, the present appeals have been filed by the appellant/insurance company.

9.The claimants in all the above appeals have filed Cross Objection Nos.95 to 99 of 2016, seeking enhancement of compensation amount awarded by the Tribunal, in their favour. According to the claimants, the Tribunal failed to note the nature of injury sustained by them in the accident, period of

their hospitalisation and also income of the respective claimants and therefore, seek for enhancement.

10.The learned counsel appearing for the appellant/Insurance company would mainly contend that the Tribunal had erred in fastening the liability on the appellant/Insurance company especially, when the driver of the auto rickshaw was at fault. According to him, the fact that the driver of the share auto died in the accident would indicate that it is only the mistake on the part of the share auto driver, who drove the vehicle in a rash and negligent manner and that the driver of the lorry was not at fault. The Tribunal has failed to take into consideration the evidence adduced by RW.1 to RW.3 in proper perspective. It is further contended that if at all, the second respondent, in these appeals, who are the insurance company, with whom, the share auto was insured is liable to pay the compensation to the claimants. Therefore, the learned counsel appearing for the appellant/Insurance company prayed for setting aside the award amount passed by the Tribunal.

11.According to the learned counsel appearing for the claimants, the Tribunal has failed to provide sufficient compensation in favour of the claimants befitting the nature of injuries sustained by them. The Tribunal has also disbelieved the disability assessed by the Doctors, in favour of the respective claimants without any justifiable reasons. In any event, according to the learned counsel appearing for the claimants the amount awarded of the Tribunal towards compensation is not inconsonance with the nature of injuries sustained by the claimants and therefore, they seeks for enhancement of compensation.

12.Heard the learned counsel appearing for the appellant / Insurance company and the learned counsel appearing for the claimants/cross objectors and perused the materials available on record.

13.During the course of the arguments, it is brought to notice of this Court that in the very same accident, one of the occupants of the share Auto-rickshaw, who sustained injury, has filed a claim petition namely, Parvathi and others in MCOP.No. 1298 of 2006 before the Motor Accidents Claims Tribunal (Additional District Judge), Krishnagiri in which the award dated 20.10.2008 was passed. Challenging the said award dated 20.10.2018 passed in the above said MCOP, CMA.No.2593 of 2009 has been filed by the appellant/National Insurance company before this Court. In the said appeal, by a Judgment dated 20.10.2010 brother Justice Mr.R.Subbiah has held that the Driver of the Auto-rickshaw also contributed to the accident and therefore, the appellant/insurance company and the New India Assurance Company Limited with which the share Auto-rickshaw was

insured are jointly and severally liable to pay the compensation amount to the claimants therein. Therefore, the liability of the appellant/National Insurance company has to be restricted to 50% of the compensation amount with proportionate interest. The learned counsel appearing for the insurance company submits that when this Court has passed a Judgment in CMA No. 2593 of 2009 in respect of the very same accident, by following the same, the present appeals filed by them shall be disposed of.

14. After hearing all the parties and in view of the decision rendered by this Court in CMA.No.2593 of 2009, dated 20.07.2010 (Judgment delivered by Justice.Mr.R.Subbiah) in respect of one of the occupants of the share Auto-rickshaw, I am constrained to hold that the accident has taken place due to the rash and negligent driving of the driver of the both Auto-rickshaw and Lorry as well. Accordingly, the liability is fixed on the appellant as well as New India Assurance Company Limited, one of the respondents in these appeals, since, when this court passed a Judgment dated 20.07.2010 in CMA No. 2593 of 2009 which arise out of the same accident, this Court cannot take a different view than the one arrived at by this Court in the Judgment dated 20.07.2010.

15. Therefore, in the light of the Judgment dated 20.07.2010 passed in CMA No. 2593 of 2009, the award passed by the Tribunal has to be modified by holding that the driver of the Auto-rickshaw also contributed to the accident and the liability of the appellant/Insurance company has to be restricted to 50% of the compensation amount and the balance 50% has to be borne by the New India Assurance Company Limited, one of the respondents in these appeals filed by the appellant/Insurance Company.

Cross Objection No. 95 of 2016:

16. The claimant in MCOP No. 9 of 2010, corresponding CMA No. 102 of 2011 has filed Cross Objection No. 95 of 2016. According to the claimant, he was working as Tailor in Shri Bannari Amman Baniyan Company, Trippur and at the time of accident, he was 20 years old. He would contend that he suffered fracture on his chin bone and lost two teeth. He also suffered cut injury over left ear apart from head injury. The Doctor/PW7, as per Ex.P2, Wound Certificate, has assessed the disability of the claimant at 25% under Ex.P29. PW7, Doctor, in his deposition has stated that the appellant has underwent a surgery for the injuries sustained in his chin bone. For the injuries, the claimant underwent treatment between 18.05.2006 and 22.05.2006. The Tribunal therefore awarded Rs.50,000/- towards disability at the rate of Rs.2,000/- per percentage of disability. The Tribunal also awarded Rs.30,000/- towards medical expenses as per bills, under Ex.P7 and P8 and the same is not hereby disturbed.

16.1. The Tribunal further awarded Rs.5,000/- towards pain

and suffering, a sum of Rs.5,000/- towards extra nourishment and Rs.1,000/- towards transportation. The amount awarded under the aforesaid heads namely Pain and suffering, Extra Nourishment, Loss of amenities and Transportation, in the opinion of this Court, required to be enhanced to Rs.10,000/- each. Taking note of the nature of injuries and the period of treatment, the Tribunal has not awarded any amount towards Attendant charges which is hereby awarded at Rs.10,000/-. Accordingly, the compensation amount awarded by the Tribunal is enhanced from Rs.91,000/- to Rs.1,30,000/- as follows:-

Description	Amount awarded by Tribunal	Amount awarded by this Court
Disability	Rs.50,000/-	Rs.50,000/-
Medical Expenses	Rs.30,000/-	Rs.30,000/-
Pain and suffering	Rs.5,000/-	Rs.10,000/-
Extra nourishment	Rs.5,000/-	Rs.10,000/-
Transportation	Rs.1,000/-	Rs.10,000/-
Attendant charges	-	Rs.10,000/-
Loss of amenities	-	Rs.10,000/-
Total	Rs.91,000/-	Rs.1,30,000/-

Cross.Objection No.96 of 2016:

17.The Cross.Obj.No.96 of 2016 has been filed by the first respondent in the CMA.No.103 of 2011 against the award passed in MCOP.No.10 of 2010. It is the claim of injured person that he was aged about 29 years at the time of accident and he was working as Tailor in Shri Bannari Amman Baniyan Company, Trippur. As per the deposition of PW.8/Doctor, after examining the claimant, he had issued a wound certificate and also perused the discharge summary, at the time of examination, PW.8 he had noticed that the claimant had sustained fracture injury in his right leg and fracture in left hand for which plate with screw was implanted. PW.8 assessed the disability of the claimant at 40%. The Tribunal has awarded Rs.2,000/- per percentage of disability and awarded a sum of Rs.80,000/- which is just and reasonable.

17.1.The Tribunal also awarded medical expenses at Rs.36,600/- based on Exs. P10 to 12, which needs no interference. For Pain and suffering, the amount awarded by the Tribunal at Rs.5,000/- is low and not befitting the nature of injuries suffered and therefore, this Court is of the view that a sum Rs.10,000/- shall be awarded towards pain and suffering. Similarly, the amount awarded towards Extra nourishment, and Transportation at Rs.5,000/- and Rs.1,000/- respectively, also required to be enhanced to Rs.10,000/- each and the Tribunal did not award any amount towards loss of amenities, hence, this Court awarded a sum of Rs.15,000/- under the head of loss of

amenities. Therefore, a total sum of Rs.1,61,600/- as against the sum of Rs.1,27,600/- awarded by the Tribunal. Thus, the Cross Objection filed by the claimant in Cross.Obj.No.96 of 2016 is partly allowed to the limited extent as indicated below:-

Description	Amount awarded by Tribunal	Amount awarded by this Court
Disability	Rs.80,000/-	Rs.80,000/-
Medical Expenses	Rs.36,600/-	Rs.36,600/-
Pain and suffering	Rs.5,000/-	Rs.10,000/-
Extra nourishment	Rs.5,000/-	Rs.10,000/-
Transportation	Rs.1,000/-	Rs.10,000/-
Loss of amenities	-	Rs.15,000/-
Total	Rs.1,27,600/-	Rs.1,61,600/-

Cross Objection No.97 of 2016:

18.The claimant in MCOP No. 14 of 2010, corresponding to CMA No. 104 of 2011 is the Cross Objector herein. He would contend that at that time of accident, he was 22 years old and working as Tailor in Shri Bannari Amman Baniyan Company, Trippur. According to him, he suffered fracture on right leg for which he underwent a surgery during which plates and screws were implanted. He also suffered a cut injury all over the body. He would contend that he was hospitalised as inpatient for three days from 18.05.2006 to 20.05.2006. The Doctor/PW.9, who examined the claimant, assessed his disability at 30% as per Ex.P33. Ex.P17 is the discharge summary issued to him. The Tribunal awarded a sum of Rs.60,000/- towards loss of disability at the rate of Rs.2,000/- per percentage of disability and allowed the medical bill as per Ex.P15 to P17 at Rs.21,000/-, they are hereby confirmed.

18.1.For pain and suffering Rs.5,000/- was awarded which in the opinion of this Court can be enhanced to Rs.10,000/-. For Extra Nourishment Rs.5,000/- was awarded and another sum of Rs.1,000/- was awarded towards transportation. This Court feels that the amount awarded towards these heads are meagre and it shall be enhanced to Rs.10,000/- each. Apart from the above, the Tribunal ought to have awarded some amount towards Attendant charges and Loss of amenities, taking into account the nature of injuries sustained by the claimant. Therefore, a sum of Rs.10,000/- each is hereby awarded towards Attendant charges and Loss of amenities. Accordingly, the compensation awarded by the Tribunal at Rs.92,800/- is enhanced to Rs.1,31,000/- as per the break-up details furnished hereunder:-

Description	Amount awarded by Tribunal	Amount awarded by this Court
Disability	Rs.60,000/-	Rs.60,000/-
Medical Expenses	Rs.21,800/-	Rs.21,000/-
Pain and suffering	Rs.5,000/-	Rs.10,000/-
Extra nourishment	Rs.5,000/-	Rs.10,000/-
Transportation	Rs.1,000/-	Rs.10,000/-
Attendant charges	-	Rs.10,000/-
Loss of amenities	-	Rs.10,000/-
Total	Rs.92,800/-	Rs.1,31,000/-

Cross Objection NO.98 of 2016:

19.The claimant in MCOP No. 15 of 2010 corresponding to CMA No. 105 of 2011 has filed this Cross Objection. According to the claimant, he was aged 30 years at that time of accident. He claims that he was working as Tailor in Shri Bannari Amman Baniyan Company, Trippur and he sustained fracture on head, fracture in the face, fracture on the right leg and ankle for which plates and screws were implanted. The claimant also suffered a cut injury in the left leg. The Doctor/PW.10, after physical examination of the claimant and after perusing the wound certificate, P14 and discharge summary, Ex.P18 issued Ex.P35/disability certificate fixing his permanent disability at 50%. The Tribunal, on the basis of the disability assessed by the Doctor/PW10 awarded Rs.1,00,000/- towards disability and a sum of Rs.61,000/- towards medical expenses as per medical bills and the same are hereby confirmed.

19.1.For pain and suffering and Extra nourishment a sum of Rs.5,000/- each was awarded besides Rs.1,000/- was awarded towards transportation. The amount awarded under these heads, in the opinion of this Court, shall be enhanced to Rs.10,000/- each, which would be a fair and reasonable compensation befitting the nature of injuries sustained by the claimant. Further, the Tribunal ought to have awarded some amount towards Attendant charges and Loss of Amenities, taking into account the nature of injuries sustained by the claimant. Accordingly, a sum of Rs.10,000/- and Rs.15,000/- are hereby awarded towards Attendant charges and Loss of Amenities. Thus, a sum of Rs.2,16,000/- is hereby awarded as against the sum of Rs.1,72,000/- awarded by the Tribunal, the break-up details of which are as follows:-

Description	Amount awarded by Tribunal	Amount awarded by this Court
Disability	Rs.1,00,000/-	Rs.1,00,000/-
Medical Expenses	Rs.61,000/-	Rs.61,000/-
Pain and suffering	Rs.5,000/-	Rs.10,000/-
Extra nourishment	Rs.5,000/-	Rs.10,000/-
Transportation	Rs.1,000/-	Rs.10,000/-
Attendant charges	-	Rs.10,000/-
Loss of Amenities	-	Rs.15,000/-
Total	Rs.1,72,000/-	Rs.2,16,000/-

Cross Objection No.99 of 2016:

20. The legal heirs of the deceased Anand Kumar, who have filed MCOP No. 18 of 2010 corresponding to CMA No. 106 of 2011 have preferred this Cross Objection. At the time of accident, the deceased was aged 18 years and he was unmarried. At the time of accident the deceased was working as Tailor in Shri Bannari Amman Baniyan Company, Trippur and earning a sum of Rs.8,000/- per month. However, the Tribunal has taken only a sum of Rs.3,000/- towards monthly income and after deduction of 1/3rd amount towards personal expenses, the Tribunal fixed the loss of income of the deceased at (Rs.3,000/- X 12 X 15) at Rs.3,60,000/-. That apart, the Tribunal awarded Rs.20,000/- towards pain and suffering and Rs.5,000/- towards funeral expenses. It is contended that the amount of Rs.3,000/- fixed by the Tribunal is low and that the Tribunal ought to have taken Rs.4,500/- as the monthly salary of the deceased as stated in the claim petition and taking into account the age of the deceased. I find force in such submission of the counsel for the claimant/Cross Objector. At the same time, the Tribunal ought to have given 50% deduction towards personal expenses as the deceased died as bachelor. Further, taking into account the age of the deceased, the correct multiplier to be adopted is 18%. The Tribunal failed to take note of the future prospects of the deceased as he died at the age of 18. Therefore, if 40% is added towards future prospects, the loss of future prospects can be determined at Rs.1,800/- (Rs.4,500/- X 40/100). Thus, the loss of income of the deceased can be arrived at (Rs.4,500/- + Rs.1,800/-) Rs.6,300/- per month. As the deceased died as a bachelor, 50% deduction has to be given towards his personal expenses and therefore, a sum of (Rs.6,300/2) Rs.3,150/- per month, shall be the loss of income of the deceased. As the deceased died at the age of 18, the correct multiplier to be adopted is 18 and not 15 as adopted by the Tribunal. Having regard to the above, the loss of income is re-calculated and awarded at (Rs.3,150X12X18) Rs.6,80,400/- which would be the fair compensation towards loss of income of the deceased. As the claimants have lost their son at his young age, the amount

awarded by the Tribunal towards love and affection at Rs.20,000/- is enhanced to Rs.40,000/- at Rs.20,000/- each. For funeral expenses, the Tribunal awarded Rs.5,000/- which is also enhanced to Rs.15,000/-. That apart, the Tribunal did not award any amount towards loss of estate, hence, a sum of Rs.10,000/- is hereby awarded towards the same. In effect, the compensation awarded by the Tribunal is enhanced from Rs.3,85,000/- to Rs.7,45,400/-, the break-up details are as follows:-

Description	Amount awarded by Tribunal	Amount awarded by this Court
Loss of Income	Rs.3,60,000/-	Rs.6,80,400/-
Love and Affection	Rs.20,000/-	Rs.40,000/-
Funeral expenses	Rs.5,000/-	Rs.15,000/-
Loss of estate	-	Rs.10,000/-
Total	Rs.3,85,000/-	Rs.7,45,400/-

21. In the result, CMA.Nos. 102 to 106 filed by the insurance company are partly allowed to the limited extent of fixing the liability on the appellant insurance company at 50% and the balance 50% has to be borne by the New India Assurance Company Limited, one of the respondents in these appeals. Similarly, the Cross Objections filed by the claimants are allowed to the extent indicated above. The appellant insurance company as well as the New India Assurance Company Limited, one of the respondents in these Civil Miscellaneous Appeals, are directed to deposit the enhanced compensation amount, as determined in these appeals to the credit of the respective Claim Petitions along with interest 7.5% and costs, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this Judgement. On such deposit being made, the respective claimants are permitted to withdraw the amount along with interest and costs, after adjusting the amount if any, already withdrawn. The claimants are directed to pay necessary Court fee, if any, on the enhanced compensation. No costs. Consequently, the connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

klt

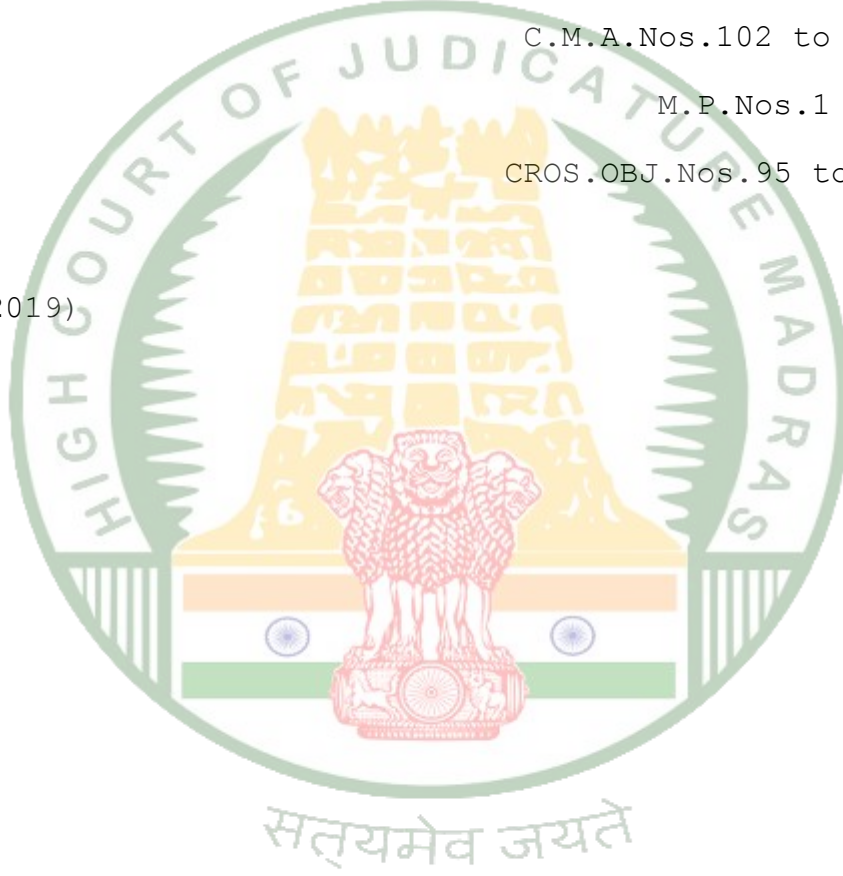
To

1. The Motor Accidents Claims Tribunal,
Subordinate Court, Sathyamangalam.
2. The Section Officer,
V.R. Section, High Court, Madras - 104.

+1 CC to Mr.Ma.P.Thangavel, Advocate sr 21611, 21612, 21613,
21614, 21615.
+1 CC to Mr.P.G.Padmanabhan, Advocate sr 20576, 20580, 20577,
20579, 20598.

C.M.A.Nos.102 to 106 of 2011
and
M.P.Nos.1 & 2 of 2011
and
CROS.OBJ.Nos.95 to 99 of 2016

CNR(CO)
SP(13/03/2019)



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