

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2019

CORAM:

THE HON'BLE MR.JUSTICE R.MAHADEVAN

C.M.A.No.2920 of 2006 and
M.P.No.1 of 2006

National Insurance Co. Ltd.,
11, Ramakrishna Road, Salem-7. ... Appellant/2nd Respondent

Vs.

1.Agilandeswari
2.Minor.Nirmala
3.Minor.Sathya
4.Minor.Nithiya ..Respondents 1 to 4/Petitioners
(Minors 2 to 4 are represented
by next friend mother)
5.M.Saravana Kumar ..5th Respondent/1st Respondent
6.P.Manickam
7.M.Sithayee ..6th & 7th Respondent/3 and 4th Respondents

Prayer: Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act, 1988 against the judgment and decree dated 11.11.2005 made in MCOP No.1366 of 2004 on the file of the Motor Accident Claims Tribunal, Principal District Judge, Salem.

For Appellants : Mr.S.Arunkumar
For R-1 to R-4 : Mr.C.Prabakaran
For R-5 : No Appearance.

J U D G M E N T

The legal representatives of the deceased/Saravanan have filed the petition before the Motor Accident Claims Tribunal, Principal District Court, Salem, claiming a sum of Rs.10,00,000/- as compensation.

2. As against the claim made, the Tribunal has passed an award for a sum of Rs.5,22,500/- payable with interest at the rate of 7.5% per annum from the date of petition till the date of deposit. Challenging the same as excessive and disproportionate to the income of the deceased, the Appellant/Insurance Company has filed this appeal.

3. Now, both the parties have agreed to modify the award passed by the Tribunal to a sum of Rs.4,42,815/- along with interest at the rate of 7.5% per annum. Hence, there shall be an award for a sum of Rs.4,42,815/-, which is payable with interest at the rate of 7.5% per annum from the date of petition till the date of deposit. A calculation memo has been filed by the learned counsel for both sides to that effect. The breakup details of the compensation so arrived would be thus:-

Loss of income (Rs.4,500x50/100x192.14 as per Workmen Compensation Act)	-	Rs.4,32,315/-
Loss of consortium to wife	-	Rs. 5,000/-
Funeral expenses	-	Rs. 2,000/-
Medical expenses (Ex.P3)	-	Rs. 3,500/-

Total	-	Rs.4,42,815/-

4. In the result, the Civil Miscellaneous Appeal is partly-allowed. No costs. The Appellant/Insurance Company is directed to deposit the modified compensation amount of Rs.4,42,815/- along with interest at the rate of 7.5% per annum, from the date of petition till the date of deposit, less the amount already deposited, within a period of four weeks from the date of receipt of a copy of this judgment.

5. At this juncture, it is submitted that the minor claimants have attained majority by now. Hence, on such application being taken out by the claimants, the Tribunal is directed to transfer the deposited amount to the Savings Bank Accounts of the claimants/ respondents 1 to 4 herein, within one week, through RTGS. Consequently, connected MP is closed.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

kv / srk

To

1. The Motor Accident Claims Tribunal,
Principal District Judge, Salem.
2. The Section Officer,
V.R. Section
High Court, Madras.

+1cc to Mr.S.Arunkumar, Advocate SR.No.57076

+1cc to Mr.C.Prabakaran, Advocate SR.No.57811

C.M.A.No.2920 of 2006 and
M.P.No.1 of 2006

RJI (CO)
GMV (11/11/2020)

