

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2019

CORAM :

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.M.A.No.1016 of 2016
and CMP.No.7713 of 20196

The Branch Manager,
Oriental Insurance Company Limited,
Branch Office,
No.25 C, Arunagiri Complex,
III Floor, Bye Pass Road,
Hosur 635 109.

... Appellant/R2

vs.

1.A.L.Rajendran
2.R.Jaya
3.P.Hindumathi
(3rd respondent set exparte before
the Tribunal)

... Respondents

Prayer:

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree, dated 30.10.2015 made in M.C.O.P.No.845 of 2013, on the file of the Motor Accident Claims Tribunal (Additional District Court) Krishnagiri.

For appellant : Mr.N.Vijayaraghavan

For Respondents : No Appearance

JUDGMENT

(Judgment of the Court was delivered by C.SARAVANAN, J.)

The appellant-Insurance company is aggrieved by the fair and decretal order dated 30.10.2015 passed by the Motor Accident Claims Tribunal, (Additional District Court) Krishnagiri in M.C.O.P.No.845 of 2013. (For brevity hereinafter referred to as the Tribunal and the impugned order respectively.)

2. By the impugned order dated 30.10.2015, the Tribunal has awarded a sum of Rs.24,20,000/-. The claimants who are the respondents 1 and 2 herein are the parents of the deceased. The deceased life was snatched at an young age of 22 years who died in a road accident on 03.11.2008 while proceeding to Adhiyaman college of Engineering, Hosur in a motor cycle. The deceased was pursuing B.Tech., I.T. III year and was working as a part time Designer under one Viswanathan for Machine Tool Components.

3. It was claimed that the deceased was earning a sum of Rs.10,000/- p.m. The Tribunal has accepted the same and arrived at the compensation, placing reliance on the following decision of the Hon'ble Supreme Court in National Insurance Co., Ltd., vs. Pranay Sethi and Others 2017(2) TN MAC 609(SC).

4. While considering the compensation, the Tribunal has taken into consideration the age of the deceased as 22 and fixed monthly income of the deceased at Rs.14,000/- with future prospects at 50% . Thus the income was arrived at Rs.21,000/- p.m. (Rs.14,000/- + Rs.7,000/-) and after deducting 50% amount towards his personal expenses, the contribution to the family was arrived at a sum of Rs.2,52,000/- p.a.

5. Applying the multiplier of 18, the loss of income was arrived at Rs. 22,68,000/- (i.e.) Rs.10,500/- X12X18. Thus, the Tribunal has awarded a sum of Rs.24,20,000/- as compensation with interest at the rate of 7.5% per annum, under the following heads:

Loss of income	Rs. 22,68,000/-
Loss of love and affection to the father	Rs. 1,00,000/-
Funeral expenses	Rs. 20,000/-
Damage to Motor Cycle	Rs. 10,000/-
Damage to Clothes	Rs. 2,000/-
Transport	Rs. 20,000/-
Total	Rs. 24,20,000/-

6. The appellant has questioned the basis of the amount awarded by the Tribunal. We find no reason to interfere with the order passed by the Tribunal. The Tribunal has considered the preposition laid down by the Constitution Bench of the Hon'ble Supreme Court in Pranay Sethi case (referred supra) while awarding the compensation.

7. By an order dated 01.06.2016, this Court has directed the appellant to deposit 50% of the award amount to the credit of M.C.O.P.No.845 of 2013 on the file of the Additional District Court, Krishnagiri on or before 27.06.2016, while granting interim stay. The appellant-Insurance Company has already deposited 50% of the award amount as per the aforesaid interim order of this court. Claimants-Respondents 1 and 2 are permitted to withdraw the amount in the same proportion as ordered by the Tribunal with accrued interest thereon.

8. The appellant-Insurance Company is directed to deposit the balance 50% of the award amount along with accrued interest within a period of six weeks from the date of receipt of a copy of this Order. On such desposit, the claimants-respondents 1 and 2 are permitted to withdraw the balance amount in the same proportion as ordered by the Tribunal with accrued interest thereon.

9. In view of the above, this Civil Miscellaneous Appeal is hereby dismissed. No cost. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

kkd

To

1. The Additional District Judge,
The Motor Accident Claims Tribunal,
Krishnagiri.

2. The Section Officer,
VR Section, High Court, Madras-104

+1cc to Mr.N.Vijayaraghavan, Advocate, S.R.No.14743

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CS/12/06/2019