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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2019

C O R A M:

THE HONOURABLE TMT. JUSTICE S.RAMATHILAGAM

C.M.A.No.2023 of 2015

M/s. Royal Sundaram Aliance Insurance Co.Ltd.

Sundaram Towers, No. 45 & 46

Whites Road, Chennai-600 014.

..Appellant/2<sup>nd</sup> Respondent  
in Tribunal below

Vs.

1. Valliyammal

2. Ayyanar

3. Poorani

4. Arumugam

5. Hamsa

6. P. Boopathi

...Respondents/Petitioners 1 to 5 and  
1<sup>st</sup> Respondent in Tribunal below

PRAYER : Civil Miscellaneous Appeal filed under Section 173 of MV Act against the Judgment and decree dated 06.02.2015 passed in MCOP. No. 1148 of 2013 on the file of the Motor Accidents Claims Tribunal, IV Court of Small Causes, Chennai.

For Appellant : Mr. E.Rajadurai

For Respondents : M/s R.Kalaiarasan -R1 to R5

#### JUDGMENT

This Civil Miscellaneous has been preferred against the judgement and decree dated 06.02.2015 passed in MCOP. No. 1148 of 2013 on the file of the Motor Accidents Claims Tribunal, IV Court of Small Causes, Chennai.

Brief facts leading to the claim application are as follows;

3.1. On 13.11.2012 at about 19.30 hrs, the deceased was on duty as Security at Pallikaranai Mothers School. At that time, the Dost Goods Vehicle bearing Reg.No. TN22 CS 0115 which was driven by its driver in a rash and negligent manner endangering the public safety came at a dangerous speed and hit against the deceased who was standing in Velachery main road, south to north direction. Due to which the deceased fell down and suffered serious head injuries and died later in the hospital. The 1st respondent and 2nd respondents being the owner and insurer of the offending vehicle are vicariously



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petitioners.

8. It is seen that the sum awarded under the had loss of pecuniary benefits at Rs.4,86,000/- by taking monthly income at Rs.6000/- and by adopting multiplier is proper, hence the same is confirmed. Further, the tribunal has not awarded any sum towards loss of estate, hence this Court grants a sum of Rs.15,000/- under the head 'Loss of Estate'. Accordingly, the compensation awarded by the tribunal is modified by this Court as below;

| Head                                     | Sum awarded by the tribunal | Sum modified by this Court |
|------------------------------------------|-----------------------------|----------------------------|
| Loss of pecuniary benefits               | 4,86,000                    | 4,86,000                   |
| Loss of Consortium to the 1st petitioner | 1,00,000                    | 40,000                     |
| Loss of companionship to the petitioners | 2,00,000                    | 80,000                     |
| Funeral expenses                         | 25,000                      | 15,000                     |
| Loss of estate                           | --                          | 15,000                     |
| Total                                    | 8,11,000                    | 6,36,000                   |

Thus the claimants are entitled to only a sum of Rs.6,36,000/- along with interest at 7.5% per annum.

9. In the result

(i). The Civil Miscellaneous is partly allowed. No costs. Consequently, connected Miscellaneous Petition if any, is closed.

(ii). From the compensation of Rs.6,36,000/-, the 1st respondent is entitled to a sum of Rs.5,36,000/- and the respondents 2 to 5 are entitled to a sum of Rs.25,000/- each.

(iii) Since it is represented by the appellant/Insurance Company that they have deposited a sum of Rs.7,00,000/- before the tribunal, they are permitted to withdraw the remaining amount. the Tribunal shall transfer the modified amount to the claimants' bank account through RTGS within a period of two weeks thereon.

Sd/-  
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar



To

The Motor Accidents Claims Tribunal,  
IV Court of Small Causes,  
Chennai.

Copy To  
The Section Officer,  
VR Section, High Court, Madras.

+1cc to Mr.N.M. Muthurajan, Advocate SR.No.47940

+1cc to Mr.N.Vijayaraghavan, Advocate SR.No.48809

C.M.A.No. 2023 of 2015

BP (CO)  
GMY (09/01/2020)



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