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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.2075 of 2019

1.Savitha
2.Sarasu
3.Marimuthu

.. Appellants/Petitioner

Vs.

1.Palanisamy

2.The New India Assurance Company Limited,
No.66-C, North Car Street,
Tiruchengode.

.. Respondents/Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree dated 29.06.2018 made in M.C.O.P.No.501 of 2014 on the file of the Motor Accident Claims Tribunal, Sub Court, Tiruchengode.

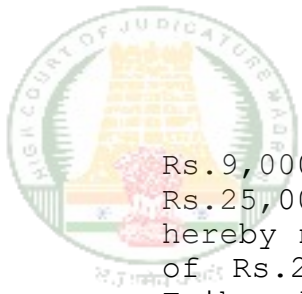
For Appellants : Mr.T.S.Arthanareeswaran
For R2 : Mr.J.Chandran

J U D G M E N T

This Civil Miscellaneous Appeal has been filed for enhancement of compensation granted by the award dated 29.06.2018 made in M.C.O.P.No.501 of 2014 on the file of the Motor Accident Claims Tribunal, Sub Court, Tiruchengode.

2.The appellants are the claimants in M.C.O.P.No.501 of 2014 on the file of the Motor Accident Claims Tribunal, Sub Court, Tiruchengode. They filed the above said claim petition, claiming a sum of Rs.25,00,000/- as compensation for the death of one Rajesh, who died in the accident that took place on 05.06.2014.

3.The Tribunal considering the pleadings, oral and documentary evidence, held that the accident occurred due to rash and negligent driving by the driver of the van belonging to the first respondent and directed the second respondent-Insurance Company to pay a sum of Rs.6,87,000/- as compensation



Rs.9,000/-)] X 12 X 17 X 2/3}. The Tribunal has awarded a sum of Rs.25,000/- towards loss of love and affection and the same is hereby modified as the appellants 2 and 3 are entitled to a sum of Rs.25,000/- each towards loss of love and affection. The Tribunal has awarded a sum of Rs.10,000/- towards funeral expenses, which is meagre and the same is hereby enhanced to Rs.15,000/-. The Tribunal has not granted any amount towards loss of estate. A sum of Rs.15,000/- is granted by this Court towards loss of estate. The compensation awarded by the Tribunal towards loss of consortium is hereby confirmed. Thus the compensation awarded by the Tribunal is modified as follows:

S. No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted
1.	Loss of income	6,12,000/-	17,13,600/-	Enhanced
2.	Funeral expenses	10,000/-	15,000/-	Enhanced
3.	Loss of consortium	40,000/-	40,000/-	Confirmed
4.	Loss of love and affection	25,000/-	50,000/-	Enhanced
5.	Loss of estate	-	15,000/-	Granted
	Total	Rs.6,87,000/-	Rs.18,33,600/-	enhanced by Rs.11,46,600/-

9.In the result, this Civil Miscellaneous Appeal is allowed and the compensation awarded by the Tribunal at Rs.6,87,000/- is hereby enhanced to Rs.18,33,600/- together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit. The second respondent-Insurance Company is directed to deposit the enhanced award amount now determined by this Court at the first instance and recover the same from the first respondent, along with interest and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit, the appellants are permitted to withdraw their respective share of the enhanced award amount now determined by this Court, as per the ratio of apportionment fixed by the Tribunal, along with interest and costs, less the amount if any, already withdrawn by making necessary applications before the Tribunal. The



appellants are directed to pay the necessary Court fee if any, for the enhanced award amount now determined by this Court. No costs.

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Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

krk

To

1.The Subordinate Judge,
Motor Accident Claims Tribunal,
Tiruchengode.

+1 cc to Mr.J.Chandran Advocate sr34920
+2 ccs to Mr.C.Paraneedharan Advocate sr34284

C.M.A.No.2075 of 2019

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