

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE C.SARAVANAN

C.M.A. No. 2786 of 2017

M/s. Reliance General Insurance Company Ltd.,
"Heavi Tree", Unit No.1,
3rd Floor, No.23, Spur Tank Road,
Chetpet,
Chennai - 600 031 ... Appellant/2nd Respondent

Vs.

1. P.Rathinavathy
2. S. Pari Rajan ... Respondents 1 & 2/Petitioners
3. M/s. Vijaya Nirman Company Pvt Ltd.,
No.264, Varsiddhi, 4th Cross,
RMV Extension, 2nd Stage, 2nd Block,
Bangalore - 560 094,
Karnataka ... 3rd Respondent/1st Respondent

Prayer: Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree made in MCOP No. 1684 of 2011, dated 08.12.2016, on the file of the Motor Accidents Claims Tribunal, IV Court of Small Causes, Chennai.

For Appellant : Mr.N.Vijayaraghavan

For Respondents : Mr.R.Kalai Arasan for R1,R2

JUDGMENT

(Delivered by M.M.Sundresh,J.)

This appeal is directed against the order of the Tribunal, by which, a sum of Rs. 23,85,000/- has been awarded as compensation after holding negligence on the part of the driver of the car belonging to the third respondent, which is insured with the appellant.

2. Learned counsel appearing for the appellant submitted that the appeal is questioned only on the issue of quantum. He submitted that the deduction must be 50% of the compensation as against the one-third, since the claimants are the parents. Similarly, the amount awarded for the loss of love and affection is very high. Therefore, instead of Rs.2 lakhs, the amount awarded towards compensation should be Rs.1,50,000/-. Learned counsel appearing for the appellant fairly submitted that funeral expenses though the Tribunal has awarded Rs.25,000/-, can be enhanced to Rs.30,000/-.

3. Learned counsel appearing for the respondent/claimants also submitted that the aforesaid submission made is a fair one. Considering the above, we are of the view that even on merit the order of the Tribunal requires to be interfered with respect to the deduction.

4. Though the multiplier of 18 is correct, we fix the amount towards loss of dependency at Rs. 16,20,000/- (i.e., Rs. 90,000/- x 18); for loss of love and affection at Rs. 1,50,000/- and for funeral expenses at Rs.30,000/-. In all, we fix a sum of Rs. Rs.18,00,000/- as the compensation payable by the appellant. Since entire amount of compensation fixed by the Tribunal has been deposited, the appellant is permitted to withdraw the remaining amount after paying the amount awarded by us in favour of the 1st and the 2nd respondents. The 1st and the 2nd respondents are permitted to withdraw the amount deposited in tune with the award passed by us.

5. Out of the above said amount, the first respondent, being the mother of the deceased, is entitled to get Rs.10,00,000/-and the second respondent, being the father of the deceased, is entitled to get Rs.8,00,000/-. Except the above modification, all other directions issued by the Tribunal hold good.

The appeal is allowed as indicated. No costs. Consequently, connected CMP No. 15906 of 2017 is closed.

Sd/-

Assistant Registrar(CS IV)

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Sub Assistant Registrar

ssm

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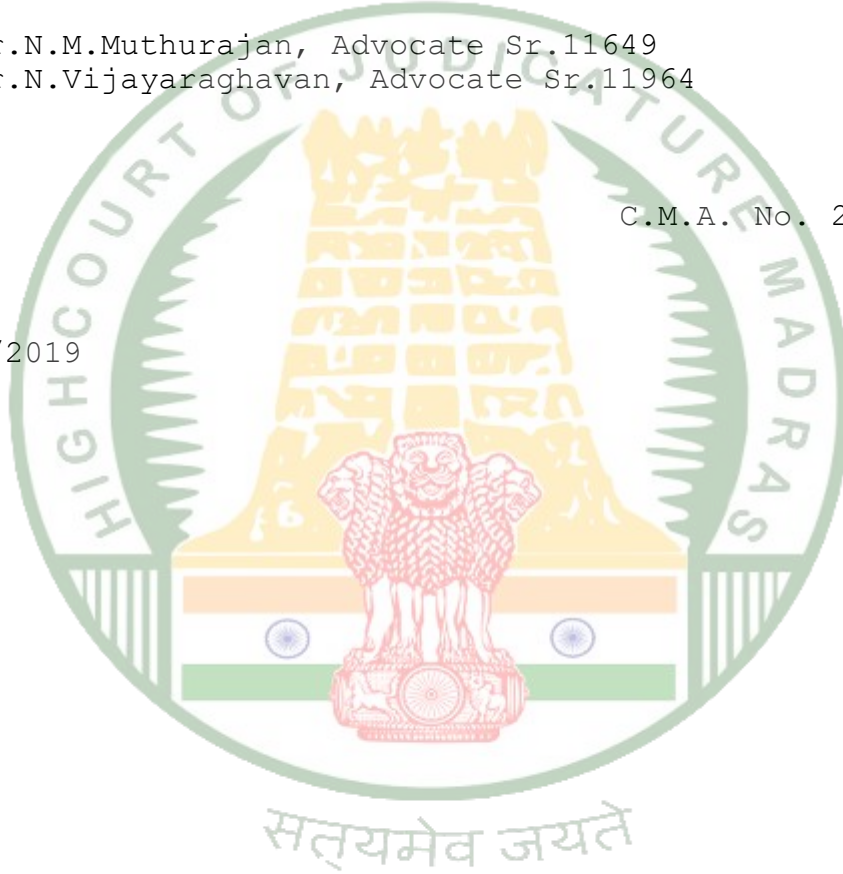
1.The Registrar
Motor Accidents Claims Tribunal,
IV Court of Small Causes, Chennai.

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

+1cc to Mr.N.M.Muthurajan, Advocate Sr.11649
+1cc to Mr.N.Vijayaraghavan, Advocate Sr.11964

C.M.A. No. 2786 of 2017

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