

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:04.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND

THE HONOURABLE MR. JUSTICE C.SARAVANAN

C.M.A. No. 3138 of 2018

M/s. Royal Sundaram Alliance Insurance Company Limited,
No.6, L.B. Road, Adyar,
Chennai - 600 020. Appellant/2nd Respondent

Vs.

1.S.Gomathi
2.S.Irudhaya Nesa Prabhu
3.S.Antony Santhosh(Minor) ... Respondent 1 to 3/ Petitioners
4.E.Suresh4th Respondent/1st Respondent
R3 Rep.by Mother R1

Appeal filed Under Section 173 of the motor Vehicles Act,1988
Praying to set aside the Judgment and decree dated 26.03.2018 in
M.C.O.P No. 4087 of 2010 on the file of the Motor Accident
Claims Tribunal , II Court of Small Causes, Chennai.

For Appellant : Mr.N.Vijayaraghavan

For Respondents : Mr.K.Suryanarayanan for R1 to R3
No appearance - R4

JUDGMENT

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

This appeal is directed against the award of the Tribunal dated 26.03.2018, which fixed a sum of Rs.17,07,000/- with 7.5% interest from 12.11.2010, which is the date of claim, as compensation.

2. The claimants/respondents are the wife and two sons, of which, one is a minor. The fourth respondent is the owner of the vehicle. The date of the accident was on 21.08.2009. The claim was for sum of Rs. 16 lakhs as against the award of Rs. 17,07,000/-. The income was fixed at Rs.15,000/- per month and

the future prospects at 15%. Multiplier 11 was adopted in view of the fact that deceased was 55 years old. A separate amount has been awarded towards funeral, loss of consortium, love and affection and medical expenses. The appeal is sought to be directed only on the quantum of compensation.

3. Learned counsel appearing for the appellant would submit that the multiplier adopted cannot be "11" and the future prospect has been wrongly fixed at 15% per annum.

4. We are not inclined to interfere with the award by taking into consideration of the fact that the deceased was 55 years old. The multiplier was rightly adopted as 11 and the future prospects was only fixed at 15% as per the decision rendered by the Hon'ble Apex Court in National Insurance Company Ltd. v. Pranay Sethi, reported in (2017) 16 SCC 680. If pecuniary loss was fixed at Rs.15,18,000/- by taking into consideration of income at only Rs.15,000/-, it cannot be held to be excessive. Similarly, for loss of consortium a sum of Rs. 40,000/- was granted and for loss of love and affection Rs.50,000/- was awarded and towards funeral expenses Rs.15,000/- was awarded. The same warrant no interference.

5. In our considered view, there is no error in the award passed by the Tribunal.

The appeal is dismissed. No costs. Consequently, connected CMP No. 23814 of 2018 stands closed.

Sd/-

Assistant Registrar(CS iii)

//True Copy//

Sub Assistant Registrar

ssm

to,

1.Motor Accident Claims Tribunal

II Court of Small Causes , Chennai.

Copy to;

The section officer,

VR Section,

High court

Madras

+1cc to Mr. K.Suryanarayanan, Advocate SR.No. 9389

+1cc to Mr.N.Vijayaraghavan , Advocate SR.No. 10395

C.M.A.No. 3138 of 2018

A.SK(09/04/2019)