



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2019

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.M.A.(MD)No.893 of 2019

and

C.M.P.(MD).No.10937 of 2019

WEB COPY

1.M.Natarajan (died)
2.Tmt.V.Seniammal
cause title accepted vide Court order
dated 20.09.2019 made in
C.M.P.(MD).No.8635 of 2019 in
C.M.A.SR.55302 of 2014.

... Appellants

Vs.

1.D.Kamaraj

2.The Branch Manager,
United India Insurance Company,
Mayiladuthurai,
Thanjavur District.

... Respondents

Prayer: The Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 19.01.2010 made in M.C.O.P.No.171 of 2009 on the file of the Motor Accident Claims Tribunal / Chief Judicial Magistrate, Thanjavur at Kumbakonam.

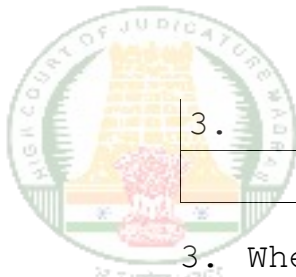
For Appellants : Mr.S.Siva Thilakar
For R2 : Mr.A.Ilangao

J U D G M E N T

The Civil Miscellaneous Appeal has been filed by the claimants challenging the quantum of compensation awarded by the Motor Accident Claims Tribunal / Chief Judicial Magistrate, Thanjavur at Kumbakonam in M.C.O.P.No.171 of 2009, dated 19.01.2010.

2. The first appellant is the husband and the second appellant is the daughter of the of the deceased Velayee. Subsequently, the first appellant / the husband of the deceased passed away. The Tribunal has awarded a sum of Rs.87,000/- as compensation in the following manner:

S. No	Description	Amount awarded by the Tribunal (Rs)
1	Loss of income	75,000
2.	Loss of love and affection	10,000 (5,000/- each)



3.	Funeral expenses	2,000
	Total	87,000

3. When the matter is taken up for hearing today, the learned counsel appearing for the second respondent/ Insurance Company fairly submitted that as per the decision of the Hon'ble Supreme Court in the case of **National Insurance Company Limited vs. Pranay Sethi and others** reported in (2017) 16 SCC 680, this Court may reconsider the compensation under the conventional heads and confirm the compensation awarded by the Tribunal in respect of other heads.

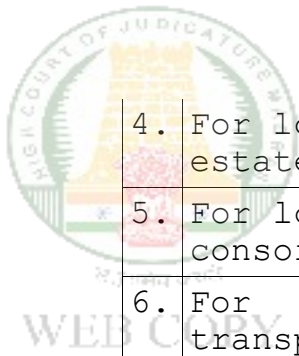
4. Heard the learned counsel for the appellant as well as the learned counsel for the second respondent/Insurance Company and perused the materials available on record.

5. In the present case, the only issue to be decided relating to quantum of compensation awarded under the conventional heads by the Tribunal. With regard to the loss of income, this Court is of the view that it is just and fair, since because the age of the deceased was 70 years. Hence, the award of the Tribunal with regard to the loss of income stands confirmed.

6. The Tribunal awarded a sum of Rs.2,000/- towards funeral expenses and no amount was awarded towards loss of estate, loss of consortium and transportation. Therefore, this Court is inclined to award a sum of Rs.80,000/- (for loss of estate Rs.15,000/-, for loss of consortium Rs.40,000/-, for funeral expenses Rs.15,000/- and for Transportation Rs.10,000/-) under the conventional heads as held by the Hon'ble Apex Court in the case of **National Insurance Company Limited vs. Pranay Sethi and others** reported in (2017) 16 SCC 680, for which, the learned counsel appearing for the second respondent/Insurance Company has no objection.

7. Therefore, the compensation awarded by the Tribunal stands revised from Rs.87,000/- to Rs.1,65,000/- in the manner stated below:

S. No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted
1.	For loss of income	75,000	75,000	confirmed
2.	For love and affection	10,000 (5,000/- each)	10,000	confirmed
3.	For funeral expenses	2,000	15,000	enhanced



4.	For loss of estate	-	15,000	granted
5.	For loss of consortium	-	40,000	granted
6.	For transportation	-	10,000	granted
	Total	87,000	1,65,000	by enhancing a sum of Rs.78,000/-

8. In view of the above modification, the Civil Miscellaneous Appeal is allowed in part and this Court directs the second respondent/Insurance Company to deposit the entire award amount, after deducting the amount already deposited, within a period of eight weeks from the date of receipt of a copy of this order along with interest at the rate of 7.5% from the date of accident till the date of deposit. On such deposit, the Tribunal is directed to transfer the said amount directly to the Personal Savings Account Number of the claimant by way of RTGS/NEFT system, after getting her Account Details, within a period of three weeks thereafter. No costs.

9. The appellant/claimant is directed to pay the deficit Court fee if any, to the Registry before receipt of the judgment copy.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

akv

To

The Motor Accident Claims Tribunal /
Chief Judicial Magistrate,
Thanjavur at Kumbakonam.

Copy to

The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai (2 copies)

+1 CC to Mr.S.SIVA THILAKAR, Advocate (SR-104538[F] dated 11/12/2019)

C.M.A. (MD)No.893 of 2019

21.11.2019

VB(11.02.2020) 3P 5C