

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.NO.107 OF 2020

1.Sasikala

2.S.Kungumaraj

3.S.Sakthivel

4.Swathi Priya ... Appellants/Petitioners

Vs.

1.R.Hemakumar

2.Reliance General Insurance Co. Ltd.,
Legal Department,
Reliance House, 6th Floor, No.6, Haddows Road,
Nungambakkam, Chennai 6. ... Respondents/Respondents

Prayer:

This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the award dated 18.07.2019, made in M.C.O.P. No. 1701 of 2017, on the file of the II Small Causes Court, (Motor Accident Claims Tribunal), Chennai.

For Appellants : Mr.K.Varadhakamaraj

J U D G M E N T

This Civil Miscellaneous Appeal has been filed seeking enhancement of the compensation granted by the award dated 18.07.2019, made in M.C.O.P. No. 1701 of 2017, on the file of the II Small Causes Court, (Motor Accident Claims Tribunal), Chennai.

2.The appellants are claimants in M.C.O.P. No. 1701 of 2017, on the file of the II Small Causes Court, (Motor Accident Claims

Tribunal), Chennai. They filed the said claim petition, claiming a sum of Rs.20,00,000/- as compensation for the death of one Shanmugavel, who died in the accident that took place on 21.11.2016.

3.The Tribunal considering the pleadings, oral and documentary evidence, held that the accident occurred only due to rash and negligent riding of the 1st respondent, owner-cum-rider of the Motorcycle and directed the 2nd respondent-Insurance Company to pay a sum of Rs.7,05,000/- as compensation to the appellants.

4.Not being satisfied with the amounts awarded by the Tribunal in the award dated 18.07.2019, made in M.C.O.P. No. 1701 of 2017, the appellants have come out with the present appeal.

5.Though the appellants have raised various grounds with regard to enhancement of compensation under different heads, at the time of arguments, the learned counsel for the appellants submitted that the Tribunal has not granted any amount towards loss of estate. Therefore, prayed for granting compensation under the head, loss of estate.

6.Heard the learned counsel appearing for the appellant and perused the materials available on record.

7.From the award of the Tribunal, it is seen that the deceased was aged 66 years at the time of accident. The appellants contended that the deceased was working as Security Supervisor and was earning a sum of Rs.15,000/- per month. The appellants failed to prove the said contention. In the absence of any material evidence to prove the avocation and income of the deceased, the Tribunal fixed a sum of Rs.10,000/- per month as notional income of the deceased and granted compensation under the head, loss of dependency, by applying the multiplier '5' and deducting 1/4th towards personal expenses of the deceased. The Tribunal has also awarded a sum of Rs.75,000/- towards loss of love and affection and Rs.75,000/- towards parental consortium. In view of the same, the appellants are not entitled for any amount towards loss of estate. The amounts awarded by the Tribunal are just and reasonable and the appellants are not entitled for any enhancement towards the same.

8.In the result, the appeal is dismissed and the amount awarded by the Tribunal at Rs.7,05,000/- along with interest and costs is confirmed. The 2nd respondent is directed to deposit the award amount along with interest and costs, within a period of six weeks from the date of receipt of a copy of this judgment,

to the credit of M.C.O.P. No. 1701 of 2017. On such deposit, the appellants/claimants are permitted to withdraw their respective shares of the award amount along with proportionate interest and costs, less the amount already withdrawn if any, by filing necessary application before the Tribunal. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gsa

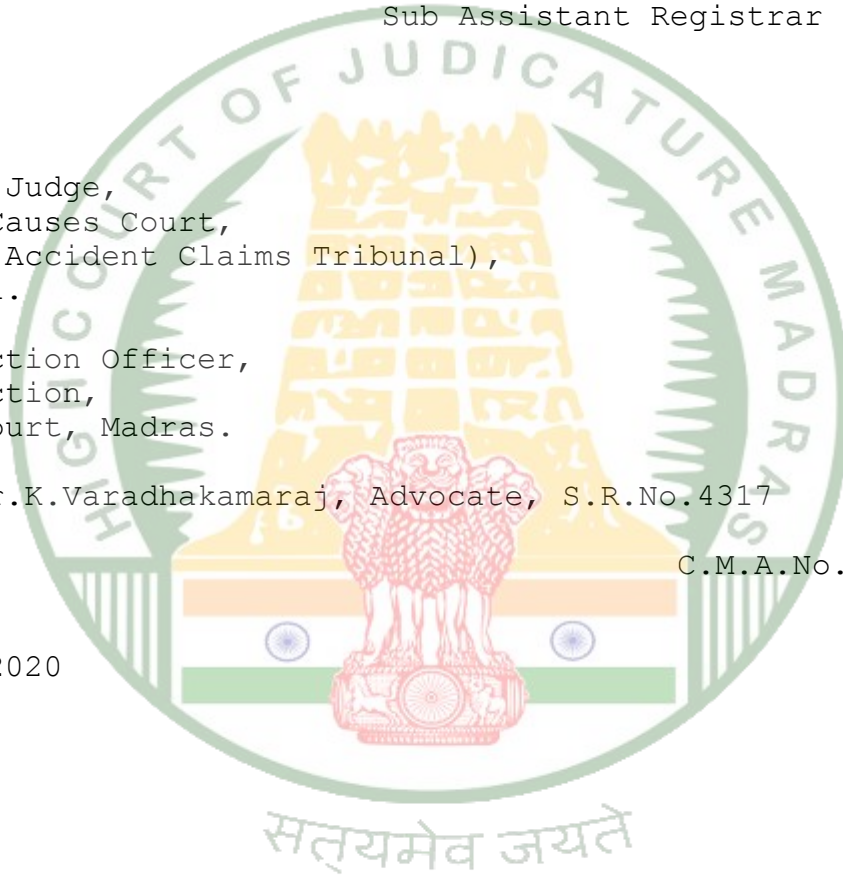
To

1. The II Judge,
Small Causes Court,
(Motor Accident Claims Tribunal),
Chennai.
2. The Section Officer,
V.R Section,
High Court, Madras.

+1cc to Mr.K.Varadhakamaraj, Advocate, S.R.No.4317

C.M.A.No.107 of 2020

GMR(CO)
CS/11/12/2020



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