

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.05.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CMA No. 1865 of 2013

1. Mr. A. Santhanam

2. Ms. A Gurudevi

...Appellants/Petitioners

...vs...

1. Ms. J Radhika

2. M/s. Cholamandalam General

Insurance Company LimitedRespondents/Respondents

Prayer: This is an appeal filed under Section 173 of Motor Vehicles Act, 1988, by the claimants seeking enhancement in the compensation granted to him by order dated 21.12.2012 made in MCOP. No. 197 of 2010 on the file of the Motor Accident Claims Tribunal/ XVI Additional District Judge, Chennai.

For Appellants : Mr. Muthurajan N M

For Respondents : Mr. Vijayaraghavan N for R2

ORDER

This appeal has been taken up for hearing with the consent of both parties. The respondent/insurer have communicated their consent along with the consent of the counsel of the appellant/claimant which they have obtained through digital mode, namely, WhatsApp message. This court is satisfied with the consent expressed by both sides through such digital mode, given the peculiar circumstances created by the pandemic- COVID19.

2.This appeal has been filed by the legal representatives, for the death of a 54 year old person (deceased). The claim for Rs.6,00,000/- was lodged in the year 2010. We are now a decade beyond. An award of Rs.2,25,000/- by whatever means, appears to be meagre as of 2020. However, the benefit of efflux of time cannot be given in entirety, considering the pleadings on income and claim. It may not be improper to take note of the Amendment to Section 163-A - Second Schedule under The Motor Vehicles Act, 1988, as per which, a consolidated sum of Rs.5,00,000/- has been suggested by the Central Government Notification. However, this case may not get the benefit of this change since it came into force only from the year 2018 onwards.

3. In such circumstances, it may be appropriate to award Rs.4,50,000/- with interest from the date of filing of the claim petition which is in 2010, and it would amount to Just Compensation. The award for Rs.2,25,000/- with interest granted by the Tribunal stands doubled to Rs.4,50,000/- with interest.

4. In the result, the appeal shall stand allowed in part, enhancing the award from Rs.2,25,000/- with interest at 7.5% p.a. from the date of filing of the claim petition to Rs.4,50,000/- with interest 7.5% p.a. from the date of filing of the claim petition, payable by the insurer within two weeks from date of receipt of this order by E-Mail.

5. The insurer shall deposit the difference in award amount of Rs.2,25,000/- with interest at 7.5% p.a. from date of filing of the claim petition till the date of deposit of the award amount and upon such deposit, the claimant shall be entitled to withdraw the same in proportion to the shares granted to them by the Claims Tribunal. No orders as to costs in this appeal.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

KP

To

1. The XVI Additional District Judge,
Motor Accident Claims Tribunal,
Chennai.

2. The Section Officer,
V.R. Section, High Court,
Madras.

CMA No 1865 of 2013

GP (CO)
GN(12/05/2021)