

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.M.A.No.3226 of 2011
(Through Video Conferencing)

1. Vandamozhi
2. Arumugam

... Appellants

vs.

1. N.Jothi
2. Iffko Tokyo General Insurance Co. Ltd.,
No.28, Old No.195, 1st and 2nd Floor,
North Usman Road, T.Nagar,
Chennai.

... Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the fair and decretal dated 21.12.2010 made in M.C.O.P.No.2263 of 2007, on the file of the Motor Accident Claims Tribunal/Small Causes Court, Chennai.

For Appellants : Mr.M.Selvam

For Respondents :

For R1 : Mr.E.Rajadurai

for Mr.N.Vijaya Raghavan

For R2 : Not ready in notice

JUDGMENT

The claimants are the appellants in this appeal. In this appeal, they are seeking for enhancement of compensation awarded by the Tribunal vide Judgment and decree dated 21.12.2010 by the Motor Accidents Claims Tribunal/Small Cause Court, in M.C.O.P.No.2263 of 2007. By the impugned order, the Tribunal has awarded a sum of Rs.3,90,000/- as compensation against the claim of Rs.7,50,000/-.

2.The appellants are the parents of the deceased Muthu, aged about 20 years, who met with an accident on 03.05.2007 is said to have been working in a local company called Fruitnik company.

3. Though the Tribunal has considered the monthly income of Rs.4,500/- of the deceased Muthu and has applied the multiplier of 14, considering the age of the mother, namely first appellant herein, as per the decision of the Supreme Court in the case of Sarla Verma (Smt) and Others Vs. Delhi Transport Corporation and Another, (2009) 6 SCC 12, the Tribunal ought to have considered the multiplier of 18, and not 14 by considering the age of the mother.

4. It is noticed that the Tribunal has not awarded any amount towards future prospects, as per the decision of the Hon'ble Supreme Court in National Insurance Co. Ltd. Vs. Pranay Sethi and Others, (2017) 16 SCC 680.

5. The appellants are thereto entitled for compensation towards future prospects. It is also noticed that, the amount awarded towards other conventional heads also appear on the lower side.

6. Considering the same, compensation awarded by the tribunal is increased to Rs.7,90,400/- rounded off to Rs.7,90,500/- as follows:-

Sl.N o.	Heads of Compensation	Amount awarded by the Tribunal	Possible Assessment
1.	Income Fixed	Rs.4,500/- PM	Rs.4,500/- PM
2.	Future Prospects	NIL	40% (Rs.1,800/-) 6,300/-
3.	Personal Expenses	$\frac{1}{2} = 2,250/-$	$\frac{1}{2} = 3,150/-$
4.	Multiplier	14 (as per mother age)	18 (As per deceased age)
5.	Loss of dependency	$2,250 \times 12 \times 14 =$ Rs.3,78,000/-	$3,150 \times 12 \times 8 =$ Rs.6,80,400/-
6.	Funeral Expenses	Rs.2,000/-	Rs.15,000/-
7.	Love and Affection	Rs.10,000/-	Rs.80,000/-
8.	Lose of Estate	NIL	Rs.15,000/-
	TOTAL	Rs.3,90,000/-	Rs.7,90,400/-

7. If the amount of compensation awarded by the Tribunal has not been deposited by the 2nd respondent Insurance Company, it is also directed to deposit the same together with interest as directed by the Tribunal, less the amount already

deposited if any, within the aforesaid period.

8. On such deposit, the appellant/claimant is permitted to withdraw the same, together with interest, less the amount already withdrawn if any, by filing suitable application before the Tribunal.

9. This Civil Miscellaneous Appeal stands partly allowed. No cost.

Sd/-

Assistant Registrar(CCC)

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Sub Assistant Registrar

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Note:-In view of the present lockdown owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, is the responsibility of the Advocate / litigant concerned.

To

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

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

+1cc to Mr.M.Selvam, Advocate SR.37010

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SPD(CO)
CB(01/04/2021)

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