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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2020

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A.No.480 of 2016

- 1.Raja
- 2.Rani
- 3.Sathish
- 4.Surya (Minor)

...Appellant

Minor represented by his father and
natural guardian the first petitioner/Raja
Vs.

- 1.Ilayaraja
- 2.M/s.Sriram General Insurance Company Limited,
No.8,EPIP, RIICO Industrial Area,
Sitapura,
Jaipur,
Rajasthan

...Respondents

(No relief sought against the 1st respondent
hence notice may be dispensed with no batta paid)

Prayer : Civil Miscellaneous Appeal filed under Section 173 of
the Motor Vehicles Act, 1988 against the Judgment & Decree dated
17.12.2015 made in M.C.O.P.No.240 of 2014, on the file of the
Motor Accidents Claims Tribunal (Special District Court)
Dharmapuri.

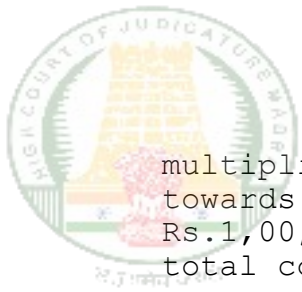
For Petitioner : Mr.C.Prabakaran

For Respondents : R1-Ex-parte in the lower Court
Mr.K.Poomalai for R2

J U D G M E N T

The Civil Miscellaneous Appeal is filed seeking for
enhancement of compensation.

2. The deceased was a minor and was aged about 17 years, at
the time of accident. The accident occurred on 28.10.2012 at
about 1.00 p.m. and the deceased died subsequently. The Tribunal
adjudicated the issues and found that the insured vehicle is the
cause for the accident and accordingly, held that the second
respondent/Insurance Company is liable to pay compensation. The
quantum of compensation was granted taking into consideration
the notional yearly income of Rs.30,000/-. Accordingly,



multiplier "15" was applied and a sum of Rs.4,50,000/- was fixed towards the loss of income and for love and affection, a sum of Rs.1,00,000/- was granted. Altogether, the Tribunal granted the total compensation of Rs.6,00,000/-.

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3. The learned counsel appearing on behalf of the appellant mainly contended that the deceased boy was aged about 17 years and he is in verge of completing his +2 course and he was a bright student. Therefore, the notional yearly income of Rs.30,000/- is inadequate and the same is to be enhanced.

4. This Court is of the considered opinion that the boy aged about 17 years is a grown up boy and he is in verge of attaining the age of majority. This being the factum and the accident occurred in the year 2012, it would be appropriate a sum of Rs.45,000/- is fixed as annual income and accordingly, multiplier "15" is to be fixed. Thus, the compensation payable to the future loss of income would be Rs.6,75,000/-. With reference to the other compensation, no further enhancement is required and accordingly, this Court is inclined to enhance the compensation as detailed hereunder:

Loss of income	: Rs.6,75,000/-
(Rs.45,000 x 15)	
Loss of love and affection	: Rs.1,00,000/-
Transportation Charges	: Rs.25,000/-
Funeral Expenses	: Rs.25,000/-
Total	: Rs.8,25,000/-

5. The total compensation payable to the claimants are Rs.8,25,000/-. The second respondent/Insurance Company had already deposited the entire compensation amount along with interest at the rate of 7.5% per annum. Thus, the second respondent/Insurance Company is directed to deposit the enhanced compensation along with interest at the rate of 7.5% per annum within a period of six weeks from the date of receipt of a copy of this judgment and on such deposit, the appellants/claimants are permitted to withdraw the entire amount by filing an appropriate application and the payments are to be made through RTGS. Accordingly, the judgment and decree 17.12.2015 made in M.C.O.P.No.240 of 2014 is modified and the Civil Miscellaneous Appeal stands allowed in part. No costs.

s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar



To

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The Motor Accidents Claims Tribunal
(Special District Court) Dharmapuri.

Copy to
The Section Officer
VR Section
High Court, Madras 104.

+1 CC to Mr.C.Prabakaran, Advocate sr 23586.
+1 CC to Mr.K.Poomalai, Advocate sr 23766.

C.M.A.No.480 of 2016

KS (CO)
SP(13/09/2021)