



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2020

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

C.M.A. No.568 of 2018

1.C.Thulasi

2.C.Dhanalakshmi

3.C.Kalaivani

... Appellants/Petitioners

Vs

1.R.Sathiya Narayanamoorthy

(R1 remained exparte before Tribunal)

2.Reliance General Insurance Company Limited,

No.2054, 2nd Avenue, Anna Nagar,

Chennai - 600 040.

... Respondents/Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 09.04.2014 and made in M.A.C.T.O.P. No.751/2013 on the file of the Motor Accident Claims Tribunal, Poonamallee, II Additional District Judge, Thiruvallur at Poonamallee.

For Appellants : Ms. M.Malar

For Respondent 1 : Ex-parte

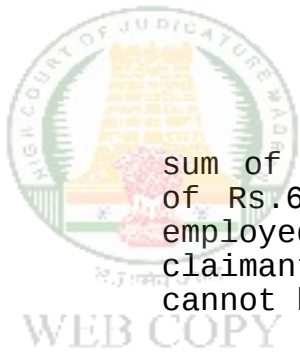
2 : Mr. Arun Kumar

JUDGMENT

This appeal is directed against the judgment and decree dated 09.04.2014 and made in M.A.C.T.O.P. No.751/2013 on the file of the Motor Accident Claims Tribunal, Poonamallee, II Additional District Judge, Thiruvallur at Poonamallee.

2. The appellants are the claimants who filed petition claiming compensation for a sum of Rs.10,00,000/- for the death of the husband of first appellant and the father of other appellants. At the time of accident, it is stated that the deceased was aged about 57 years. The accident was found to be on account of rash and negligent driving of driver of vehicle belonging to the first respondent which was insured by the second respondent. As against the claim of a sum of Rs.10,00,000/-, the Tribunal awarded a sum of Rs.6,02,088/- along with interest at 7.5% per annum. Hence the appellants / claimants preferred this appeal for enhancement of compensation.

3. Learned counsel for the appellants submitted that the income considered by the Tribunal was too low and instead of a



sum of Rs.12,000/- per annum the Tribunal has taken only a sum of Rs.6,500/- as monthly income of deceased. The deceased was employed as load man even according to the appellants / claimants. Since the deceased was 57 years old, his income cannot be assumed to be more than Rs.10,500/-.

4. This Court, considering the overall circumstances and the facts admitted, arrived at a sum of Rs.10,500/- as monthly income. Since the deceased was 57 years old and the wife and two daughters are the dependants, this Court is inclined to allow only 10% towards future prospects and 1/3rd as deduction for personal expenses of the deceased. Accordingly, the appellants / claimants are entitled to a sum of Rs.7,700/- as monthly income. Since the age of the deceased is 57 years, the multiplier which is appropriate is 9. Hence, the loss of income will be Rs.8,31,600/-. The Tribunal awarded only a sum of Rs.20,000/- towards loss of love and affection and loss of consortium. The appellants / claimants are entitled to a sum of Rs.80,000/- towards loss of consortium and love and affection. The claimants are also entitled to a sum of Rs.10,000/- towards transport expenses and funeral expenses. As a result the claimants are entitled to a sum of Rs.9,21,600/-.

5. Accordingly, the award of Motor Accident Claims Tribunal, Poonamallee, II Additional District Judge, Thiruvallur, Poonamallee dated 09.04.2014, made in M.A.C.T.O.P. No.751 of 2013, is modified to the effect that the respondents shall pay a sum of Rs.9,21,600/- (Rupees Nine Lakh Twenty One Thousand Six hundred Only) in all as compensation with interest at the rate of 7.5% per annum. After deducting the amount already paid, if any, the respondents shall pay the remaining amount within a period of two months.

6. The Civil Miscellaneous Appeal is allowed and the award in M.A.C.T.O.P. No.751 of 2013 is modified to the extent indicated above. No costs.

Sd/-
Assistant Registrar (CS-CCC)

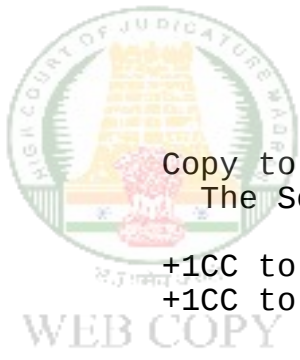
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Sub Assistant Registrar

Bkn

To

The Motor Accident Claims Tribunal, Poonamallee,
II Additional District Judge,
Thiruvallur, Poonamallee.



Copy to

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

+1CC to M/s.Malar, Advocate, SR.No. 34346

+1CC to M/s.S.Arun Kumar, Advocate, SR.No. 34390

C.M.A. No.568 of 2018

NRL(CO)

B.VC (31/08/2021)