

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2020

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH  
AND  
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

C.M.A.No.2123 of 2017

M/s.Reliance General Insurance Company Limited,  
No.570, Naigaum Cross Road,  
Next to Royal Industrial Estate,  
Wadala (W), Mumbai - 400 031. .... Appellant/2nd Respondent

Vs

1.Rani  
2.S.Maheswari  
3.S.Jayachandran (Minor)  
4.S.Kaviyarasu (Minor)  
5.Jayalakshmi  
6.Purushothaman ..... Respondents 1 to 6/  
Petitioner's  
7.G.Raja  
[Minors R3 and R4 represented by  
Mother & NF R1] ..... 7th Respondent/  
1st Respondent

Prayer : Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree made in M.C.O.P.No.165 of 2014 dated 16.11.2016 on the file of Motor Accidents Claims Tribunal, Special District Court, Dharmapuri.

For Appellant : Mr.N.Vijayaraghavan

For Respondents : Mr.M.Selvam for R1 to R6  
No appearance for R7

JUDGMENT  
(Delivered by M.M.SUNDRESH, J)

This appeal is filed only against the quantum. We also note that the Tribunal itself has ordered pay and recovery and, therefore, unnecessary facts are not gone into.

2. The learned counsel appearing for the appellant submitted that the Tribunal has awarded higher amount towards loss of consortium, loss of love and affection, transportation and funeral expenses. If due deductions are given under these heads, then the total compensation arrived at would be Rs.31,74,798/-.

3. The learned counsel appearing for respondents 1 to 6 submitted that the Tribunal has not awarded any amount towards the loss of estate. As per the judgment of National Insurance Company Ltd. v. Pranay Sethi, reported in (2017) 16 SCC 680, a sum of Rs.15,000/- ought to have been added under this head.

4. Considering the above, without spending much time on the other issues which are unnecessary, we are inclined to award Rs.40,000/-, Rs.80,000/-, Rs.15,000/-, Rs.15,000/- and Rs.15,000/- towards the loss of consortium, loss of love and affection, transportation, funeral expenses and loss of estate respectively.

5. Accordingly, while not disturbing the loss of income arrived at by the Tribunal, the compensation of Rs.33,24,798/- is modified to Rs. 31,89,798/-, which we are rounding off to Rs.31,90,000/- with 7.5% interest per annum from the date of the petition till the date of realization. The compensation awarded by this Court shall be apportioned amongst the claimants in the same ratio as ordered by the Tribunal.

6. The appellant/Insurance Company is directed to deposit the compensation awarded by this Court, less the amount, if any, already deposited to the credit of M.C.O.P.No.165 of 2014 on the file of Motor Accidents Claims Tribunal, Special District Court, Dharmapuri within a period of six weeks from the date of receipt of a copy of the judgment.

7. We also direct the Tribunal to transfer the respective shares of the award amount by way of RTGS to the bank accounts of claimants 1,2,5 and 6 within a period of three weeks from the date of deposit of the award amount. On such transfer, the claimants 1,2,5 and 6 are entitled to withdraw the same. Insofar

as the shares of minor claimants 3 and 4 are concerned, the Tribunal is directed to deposit the same in any one of the Nationalized Banks under reinvestment scheme till they attain majority. The mother of the minor claimants is entitled to withdraw the interest accrued on the minors' deposit once in three months directly from the Bank.

8. The Civil Miscellaneous Appeal stands allowed. No costs. Consequently, connected C.M.P.No.11244 of 2017 is closed.

Sd/-  
Assistant Registrar

/true copy/  
Sub Asst. Registrar

ssm

To

The Motor Accidents Claims Tribunal,  
Special District Court,  
Dharmapuri.

Copy to  
The Section Officer  
VR Section High Court Madras

+1 cc to Mr.Selvam Advocate sr16175  
+1 cc to Mr.N.Vijayaraghavan Advocate sr16909

C.M.A.No.2123 of 2017

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