

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2020

CORAM:

THE HON'BLE MR. JUSTICE R.MAHADEVAN

Civil Miscellaneous Appeal No.2909 of 2017

1. Rajeswari

Alagammal (Died)

... Appellant

..Vs..

1. Gunasekaran

(Notice to R-1 may be dispensed with, since he is exparte before the Tribunal)

2. National Insurance Co. Ltd.

Branch - III, Thanthai Periyar Market Complex,
Govindasamy Pillai Street, Near Old Bus Stand,
Salem

... Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree, dated 03.07.2017, made in MCOP No.742 of 2011 on the file of the Motor Accident Claims Tribunal, Sub Court, Sankari.

For Appellant : Mr. C.Paraneedharan

J U D G M E N T

This Civil Miscellaneous Appeal has been filed by the claimant / appellant, challenging the quantum of compensation awarded by the Claims Tribunal at Rs.62,25,000/-.

2.At the outset, the learned counsel for the appellant / claimant has submitted that challenging the very same award in MCOP No.742 of 2011, the Insurance Company / Insurer has preferred an Appeal in CMA No.1850 of 2018 before this Court and this Court, in the said Appeal, has given the following directions:-

"12. We have considered the rival submissions. We find justification in the arguments of Mr.S.Arunkumar, learned counsel appearing for the Insurance Company. In view of the judgment of the larger bench of the Hon'ble Supreme Court in National Insurance Co. Ltd Vs. Pranay Sethi and others referred

to supra, we are unable to uphold the addition of 50% towards future prospects. The award of Rs.1,00,000/- towards loss of consortium and Rs.1,00,000/- towards loss of love and affection are also on the higher side. Therefore, the award of the Tribunal has to be reworked and modified as follows:

Loss of Dependency = Rs.4,00,000/- + 40% x $\frac{2}{3}$ x 15 = [Rs.4,00,000/- + Rs.1,60,000/-] x $\frac{2}{3}$ x 15 = Rs.55,99,999/-

The same is rounded off to Rs.56,00,000/-

Award towards Amount Loss of Dependency :

Rs.56,00,000/-

Loss of Consortium : Rs. 40,000/-

Loss of Love and affection: Rs. 25,000/-

Funeral expenses : Rs. 25,000/-

Loss of Estate : Rs. 15,000/-

Total : Rs.57,05,000/-

Thus, the total award works out to Rs.57,05,000/-, the award will carry interest at 7.5% per annum with proportionate interest and costs."

3. In view of the above, the learned counsel for the appellant submitted that he is not pressing the instant appeal, since the subject matter in issue has already been decided in the Appeal, cited supra. He has also sent an e-mail in this regard to the Registry.

4. Recording the above, this Civil Miscellaneous Appeal is dismissed as not pressed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Motor Accident Claims Tribunal, Subordinate Judge, Sankari.

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

C.M.A.No.2909 of 2017

ppa (CO)
rv (18/01/2021)