C.M.A.No.2416 of 2018

R.SUBBIAH, J
and

C.SARAVANAN, J

(The Order of the Court was made by R.Subbiah, J)

Today, the matter is taken up for consideration under the caption "for being mentioned".

2. In the judgment dated 25.09.2020 passed in this appeal, this Court has computed the loss of dependency at Rs.59,22,193/-, but inadvertently, this Court, without adding the amounts under the other heads, had shown the total compensation as Rs.59,22,193/-. The amounts awarded by the Tribunal under the heads "loss of consortium", "loss of estate" and "funeral expeses" were confirmed by this Court, but the same was not added while arriving at the total compensation. Further, this Court had awarded Rs.1,00,000/- towards the "loss of love and affection", which was also not added while arriving at the total compensation. Thus, the jugdment dated 25.09.2020 needs modification in respect of the total compensation.

3. Thus, paragraph 21 of the judgment dated 25.09.2020 shall stand deleted and substituted as below:

"21. The break-up details of the amounts awarded by this Court, in comparison with the amounts awarded by the Tribunal, are as follows:

Sl.No.	*Heads under which the amounts are awarded*	*Amounts awarded by the Tribunal (in Rs.)*	*Amounts awarded by this Court (in Rs.)*
1	Loss of pecuniary beneftis	92,87,401.50	59,22,193
2	Loss of consortium	40,000	40,000
3	Loss of estate	15,000	15,000
4	Funeral expenses	15,000	15,000
5	Loss of love and affection to third respondent	-	1,00,000
	Total	93,57,401.50 (rounded off to Rs.93,57,500) by the Tribunl	60,92,193

In the result, the appeal filed by the appellant/Insurance Company is partly allowed. The appellant/Insurance Company is directed to deposit the enhanced compensation amount which we have determined in this appeal, namely Rs.60,92,193/- (Rupees sixty lakhs ninety two thousand one hundred and ninety three only) to the credit of M.C.O.P.No.9114 of 2015 on the file of the Motor Accidents Claims Tribunal (Special Sub-Court No.2 to deal with M.C.O.P. cases) (Court of Small Causes), Chennai, within a period of eight weeks from the date of receipt of a copy of this judgment, together with accrued interest, and costs, if any awarded by the Tribunal, after deducting the amount, if any already deposited. The ratio of shares between the claimants, as adopted by the Tribunal, is hereby confirmed. On such deposit by the appellant/Insurance Company, the respondents 1, 2 and 4/claimants 1, 2 and 4, are permitted to withdraw their respective shares, less the amount if any already withdrawn by them, by filing necessary application before the Tribunal. As far as the share of the respondent No.3/minor claimant No.3, is concerned, the same shall be deposited by the Tribunal in any Nationalised Bank in any interest bearing Fixed Deposit Scheme, till she attains majority and the interest that may accrue thereon shall be withdrawn by the mother/first respondent herein. No costs. The respondents 1 to 4/claimants are directed to pay necessary Court fee, if any on the enhanced compensation now computed above. The time limit for deposit by the appellant/Insurance Company runs from the date of receipt of a copy of this judgment copy (i.e. judgment dated 19.11.2020)."

4. In other respects, the earlier judgment dated 25.09.2020 shall remain unaltered.

5. Registry is directed to issue fresh judgment copy after incorporating the

above paragraph 21 now substituted.

(R.P.S.J) (C.S.N.J)
19.11.2020

cs

R.SUBBIAH, J

and

C.SARAVANAN, J

cs

C.M.A.No.2416 of 2018

19.11.2020