IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2020

CORAM:
THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

C.M.A.Nos.2656 and 2657 of 2014 and 83 and 84 of 2015
and Cross Objection No.55 of 2015

Iffco Tokio General Insurance Co. Ltd.,
KSCMF Building,
No.8, Cunningham Road,
Bangalore. .. Appellant/2nd Respondent
in C.M.A.Nos.2656 and 2657 of 2014

Vs.

1. Sengodan
   Kannammal (died)
2. Ravichandran
3. National Insurance Co. Ltd.,
   Vijaya Plaza Building,
   II Floor, C-32, II Avenue,
   Anna Nagar, Chennai.

(Amended as per order
in I.A.No.1544 of 2009, dated 27.03.2011)
.. Respondents/Petitioners/Respondents 1 & 3
in C.M.A.No.2656 of 2014

1. Tmt.S.Bharathi
2. Minor Tanushree Avirtha Vijay,
   (Minor rep. by
   mother and NF
   1st respondent Mrs.S.Bharathi)

3. Ravichandran
   Kannammal (died)

4. Sengodan

5. National Insurance Co. Ltd.,
   Vijaya Plaza Building,
   II Floor, C-32, II Avenue,
   Anna Nagar, Chennai.

(Amended as per order
in I.A.No.955 of 2012 dated 22.8.2012)
.. Respondents /Petitioners 1 & 2,
Respondents 1, 4 & 5 in C.M.A.No.2657 of 2014

Sengodan .. Appellant/ 1st Petitioner in CMA.83/2015,
4th Respondent
in C.M.A.Nos.83 and 84 of 2015

Vs.

1. V.Ravichandran

2. IFFCO TOKIO General
Insurance Company Limited,
KCMF Building,
No.8, Cunningham Road, Bangalore.

3. National Insurance Comapny,
Anna Nagar, Chennai,
Vijaya Plaza Building II Floor,
No.C-32, II Avenue,
Anna Nagar, Chennai.

Kannammal (died)

.. Respondents/Respondents 1 to 3,
2nd Petitioner in C.M.A.No.83 of 2015

1. V.Ravichandran

2. IFFCO TOKIO General
Insurance Company Limited,
KCMF Building,
No.8, Cunningham Road,
Bangalore.

3. National Insurance Company,
Anna Nagar, Chennai,
Vijaya Plaza Building II Floor,
No.C-32, II Avenue,
Anna Nagar,
Chennai.

4. Tmt.Bharathi

5. Minor Tanushree Avirtha Vijay,
(rep. by her mother and natural guardian
4th respondent herein)

Kannammal (died)

.. Respondents/Respondents 1, 2 & 5,
Petitioners 1 & 2 in C.M.A.No.84 of 2015

1. S.Bharathi

2. Minor Tanushree Avirtha Vijay
rep. by her next friend 1st petitioner
.. Cross Objectors/ Respondent 1 & 2/Claimant in Cross Objection No.55 of 2015 in CMA. 2657/2014

Vs.

1. IFFCO TOKIO General Insurance Company,
KSCMF Building,
No.8, Curringham Road,
Bangalore.

2. Ravichandran .... Respondents /Appellant/2nd Respondent
Kannammal (died) .... Respondent/3rd Respondent/1st Respondent

3. Sengodan

4. National Insurance Co. Ltd.,
Vijaya Plaza Building,
II Floor, C-32, II Avenue,
Anna Nagar, Chennai.
... 3 & 4th Respondents /Respondent 4 & 5 Respondents
.. Respondents in Cross Objection No.55 of 2015

Civil Miscellaneous Appeal Nos.2656 of 2014 and 83 of 2015 filed under Section 173 of the Motor Vehicles Act, 1988 against the order and decree dated 25.04.2014 passed in M.C.O.P.No.1751 of 2007 on the file of the Motor Accidents Claims Tribunal (1st Additional District Court), Salem.

Civil Miscellaneous Appeal Nos.2657 of 2014 and 84 of 2015 filed under Section 173 of the Motor Vehicles Act, 1988 against the order and decree dated 25.04.2014 passed in M.C.O.P.No.987 of 2010 on the file of the Motor Accidents Claims Tribunal (1st Additional District Court), Salem.

Cross Objection No.55 of 2015 filed under Order 41 Rule 22 of the Code of Civil Procedure in C.M.A.No.2657 of 2014 against the order and decree dated 25.04.2014 in M.C.O.P.No.987 of 2010 on the file of the Motor Accidents Claims Tribunal (I Additional District Court), Salem.

For appellant in C.M.A.Nos.2656 and 2657 of 2014:
Mr.N.Vijayaraghavan
For appellant in C.M.A.Nos.83 and 84 of 2015
: Mr.V.R.Rajasekaran

For Cross Objector in Cross Objection No.55 of 2015 in
CMA.2657/14
Mr.R.Selvakumar
For respondents in C.M.A.No.2656 of 2014:
Mr.V.R.Rajaskaran for R-1
R-2 died
Mrs.N.B.Surekha for R-3

For respondents in C.M.A.No.2657 of 2014
: Mr.R.Selvakumar for RR1 & 2
R-3 died

Mr.V.R.Rajasekaran for R-4
Mrs.N.B.Surekha for R-5

For respondents in C.M.A.No.83 of 2015
: R-1 died
Mr.N.Vijayaraghavan for R-2
Mrs.N.B.Surekha for R-3

For respondents in C.M.A.No.84 of 2015
: R-1 died
Mr.N.Vijayaraghavan for R-2
Mrs.N.B.Surekha for R-3
Mr.R.Selvakumar for RR-4 & 5

For respondents in Cross Objection No.55 of 2015 :
in CMA. No. 2657/2014
Mr.N.Vijayaraghavan for R-1
R-2 died
Mr.V.R.Rajasekaran for R-3
Mrs.N.B.Surekha for R-4

COMMON JUDGMENT

(The Common Judgment of the Court was delivered by R.Subbiah, J)

The Civil Miscellaneous Appeals and Cross Objection are filed against the common order and decree, dated 25.04.2014 on the file of the Motor Accidents Claims Tribunal (I Additional District Court, Salem), against the following respective M.C.O.Ps:

Sl.No.	C.M.A.No./Cross Objection No.	against M.C.O.P.No.
1	C.M.A.2656 of 2014 and C.M.A.No.83 of 2015	M.C.O.P.1751 of 2007

Sl.No.	C.M.A.No./Cross Objection No.	against M.C.O.P.No.
2	C.M.A.2657 of 2014 and C.M.A.No.84 of 2015 and Cross Objection No.55 of 2015	M.C.O.P.987 of 2010

2. Since the issue involved in all these appeals and cross objection, are inter-connected to each other, and arising out of the same motor accident, they are being disposed of by this common judgment.

3. Appeals filed against the award passed in M.C.O.P.No.1751 of 2007:

(i) Challenging the quantum of compensation awarded by the Tribunal in M.C.O.P.No.1751 of 2007, the IFFCO TOKIO General Insurance Company Limited has filed C.M.A.No.2656 of 2014.

(ii) Not being satisfied with the quantum of compensation awarded by the Tribunal in M.C.O.P.No.1751 of 2007, the first claimant has filed C.M.A.No.83 of 2015.

Appeals and Cross Objection filed against the award passed in M.C.O.P.No.987 of 2010:

(iii) Challenging the quantum of compensation awarded by the Tribunal in M.C.O.P.No.987 of 2010, the IFFCO TOKIO General Insurance Company has filed C.M.A.No.2657 of 2014.

(iv) Not being satisfied with the quantum of compensation awarded by the Tribunal in M.C.O.P.No.987 of 2010, the claimants have filed Cross Objection No.55 of 2015.

(v) As against the same award of the Tribunal, the first claimant in M.C.O.P.No.1751 of 2007, who is the father of the deceased Dinesh Kumar in that case and who is the fourth respondent in M.C.O.P.No.987 of 2010, has filed C.M.A.No.84 of 2015, challenging the apportionment of the award amount by the Tribunal.

4. Brief facts which are necessary for disposal of these appeals and cross objection, are as follows:

(i) The deceased Dinesh Kumar and Vijaya Kumar are brothers. On 07.11.2007 at about 4 p.m., the deceased Dinesh Kumar, his wife Nithya and his brother Vijaya Kumar, were proceeding from Bangalore to Salem on Salem-Dharmapuri Main Road in a Matiz Car bearing Registration No.TN-05-C-1238. The car was driven by Vijaya Kumar. The deceased Dinesh Kumar and his wife Nithya were sitting in the back seat of the car. When the car was going slowly on the left side of the road, near Thalavaipatty Kannadipalam Nallathambi Thottam, a lorry bearing Registration No.TN-28-AA-3918, came from Salem in the opposite direction in a rash and negligent manner, and dashed against the car and thus caused accident, in which, the car got fully damaged. In the said accident, all the three died, namely Dinesh Kumar and his wife Nithya and Vijaya Kumar. Hence, the claim was made as against the owner of the lorry and its insurer, the appellant-Insurance Company. Subsequently, the insurer of the car was also impleaded as a respondent as a formal party.

(ii) The parents of the deceased Dinesh Kumar have filed claim petition in M.C.O.P.No.1751 of 2007 for the death of their son (Dinesh Kumar), claiming a compensation of Rs.50 lakhs.

(iii) As against the said claim of Rs.50 lakhs in M.C.O.P.No.1751 of 2007, the Tribunal had passed an award for a sum of Rs.35,20,946/- with 7.5% interest and since the mother Kannammal died during the pendency of claim petition, the Tribunal directed to pay the entire compensation amount in favour of the father of the deceased Dinesh Kumar.

(iv) So far as M.C.O.P.No.987 of 2010 is concerned, the same was filed by the wife and minor child of the deceased Vijaya Kumar, showing the father of the deceased Vijaya Kumar, i.e. the claimant in M.C.O.P.No.1751 of 2007 as fourth respondent in M.C.O.P.No.987 of 2010. In M.C.O.P.No.987 of 2010, a claim was made for a sum of Rs.2,50,00,000/- and the Tribunal awarded a sum of Rs.1,18,01,600/- with 7.5% interest p.a. from the date of claim petition till the date of deposit. The apportionment of the said amount is that the first claimant-wife is entitled to Rs.50,00,000/-, the second claimant-minor child is entitled to Rs.60,00,000/- and the fourth respondent-father of the deceased is entitled to Rs.8,01,600/-.

5. Challenging the above compensation awarded in both the M.C.O.Ps., the respective parties have filed the present appeals/Cross Objection, as narrated above.

6. As only the aspect of quantum is questioned in all these appeals/Cross Objection, we are not traversing into the other aspects of the order of the Tribunal.

7. C.M.A.No.2656 of 2014 and C.M.A.No.83 of 2015:

(i) These appeals pertain to M.C.O.P.No.1751 of 2007. With regard to the compensation awarded by the Tribunal, it is the case of the claimants before the Tribunal that the deceased Dinesh Kumar was a B.E. Graduate and was working as Software Engineer in I.B.M., Bangalore and was receiving salary of Rs.30,000/- p.m. Had he been alive, he would have received nearly Rs.1.5 lakhs p.m. in future. Due to sudden death, the parents of the deceased Dinesh Kumar is put to darkness. Thus, total claim of Rs.50 lakhs was made by the claimants. In order to prove the claim of the deceased Dinesh Kumar, his pay slip was marked as Ex.P-6. The Tribunal, based on the oral and documentary evidence adduced before it, arrived at a sum of Rs.29,393/- as the monthly income of the deceased Dinesh Kumar. Thereafter, the Tribunal deducted Rs.200/- towards professional tax, Rs.1,544/- towards income tax, Rs.800/- towards conveyance, Rs.1,467/- towards P.F. deduction and Rs.2,500/- towards shift allowance, and totally these deductions are at Rs.6,511/-. Then, after deducting Rs.6,511/- from Rs.29,393/-, the Tribunal fixed the net income of the deceased at Rs.22,882/-. Then, the annual income of the deceased was arrived at Rs.2,74,584/- (22,882 x 12). Thereafter, 50% was added towards future prospects of the deceased and the sum arrived at is Rs.4,11,876/- (2,74,584 +1,37,292), which is the total loss of income. Out of the total income of Rs.4,11,876/-, 50% was deducted towards personal expenses of the deceased, thereby the Tribunal fixed the annual loss of contribution to the appellants at Rs.2,05,938/- (4,11,876 - (4,11,876 - 1/2 of 2,74,584)), by considering the age of the deceased who was 27 years at the time of accident and the Tribunal, by adopting the multiplier 17, arrived at the total loss of income at Rs.35,00,946/- (Rs.2,05,938 x 17). Further, the Tribunal awarded a sum of Rs.10,000/- towards transportation and Rs.10,000/- towards funeral expenses. Thus, the Tribunal passed an award for total sum of Rs.35,20,946/-.

(ii) Now, the grievance of the claimants is only with regard to the fixation of income of the deceased. According to the learned counsel for the respondents 1 and 2/claimants, the Tribunal totally deducted Rs.6,511/- towards deductions from income of the deceased. According to the learned counsel for the claimants, the deduction of Rs.1,467/- towards Provident Fund and Rs.2,500/- towards shift allowance, are not correct, since the same will not fall under the category of statutory deductions. Thus, the learned counsel for the claimants submitted that the amount awarded by the Tribunal towards loss of income, has to be re-assessed/re-calculated by making proper deductions.

(iii) Per contra, it is the submission of the learned counsel for the appellant/Insurance Company that the amount of compensation awarded by the Tribunal is on the higher side and the same needs modification.

(iv) Keeping the submissions made on either side, we have perused the materials available on record. As contended by the learned counsel for the claimant, we are of the opinion that the Tribunal went in error in deducting the amount towards PF and shift allowance. Therefore, the amount awarded by the Tribunal towards loss of income is re-calculated hereunder:

The deductions allowable are Rs.200/- towards professional tax, Rs.1,544/- towards income tax and Rs.800/- towards conveyance, i.e. the total deductible allowable are Rs.2,544/- and not Rs.6,511/- as arrived at by the Tribunal. If the said amount of Rs.2,544/- is deducted from the earnings at Rs.29,393/- as fixed by the Tribunal, the net income of the deceased comes to Rs.26,849/-. The annual income of the deceased thus works out to Rs.3,22,188/- (26,849 x 12). From this amount of Rs.3,22,188/-, 50% has to be added towards future prospects, i.e. Rs.1,61,094 (3,22,188 x 50%) and thus, the total loss of annual income of the deceased is arrived at Rs.4,83,282/- (3,22,188 + 1,61,094). From this amount, 50% has to be deducted towards personal expenses and if so deducted, the annual loss of contribution to the family of the deceased works out to Rs.2,41,641/- (4,83,282 - 50% of 4,83,282). Further, if multiplier 17 is adopted, the total loss of income to the family of the deceased works out to Rs.41,07,897/- (17 x 2,41,641), which sum could be awarded as just and proper compensation under the head "loss of income". So far as the amounts awarded by the Tribunal under the heads transportation and funeral expenses at Rs.10,000/- each, are hereby confirmed. This Court is of the view that as no amount is awarded by the Tribunal towards loss of love and affection for the father of the deceased, under this head, a sum of Rs.25,000/- is hereby awarded. Thus, the break-up details of the total amount of compensation in respect of the deceased Dinesh Kumar are now as follows:

Heads under which the amount is awarded	Amount awarded by the Tribunal	Amount awarded by this Court
Loss of income	35,00,946	41,07,897
Transportation	10,000	10,000
Funeral expenses	10,000	10,000
Loss of love and affection	-	25,000
Total	35,20,946	41,52,897

(v) Accordingly, the amount of compensation awarded by the Tribunal at Rs.35,20,946/- in M.C.O.P.No.1751 of 2007 is enhanced to Rs.41,52,897/- (Rupees forty one lakhs fifty two thousand eight hundred and ninety seven only), which is payable to the first claimant-Sengodan, as the second claimant-Kannammal died during the pendency of the M.C.O.P. before the Tribunal. The appellant/Insurance Company in C.M.A.No.2656 of 2014 is directed to deposit the said amount of compensation with 7.5% interest from the date of claim petition till the date of deposit, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit, the first claimant is permitted to withdraw the entire amount of compensation by filing appropriate application before the Tribunal. Since the amount of compensation is enhanced, the first claimant in M.C.O.P.No.1751 of 2007 is directed to deposit the necessary Court fee. In other respects, the order of the Tribunal in M.C.O.P.No.1751 of 2007 is confirmed.

(vi) Consequently, the appeal filed by the Insurance Company in C.M.A.No.2656 of 2014 is dismissed and the appeal filed by the claimant in C..M.A.No.83 of 2015 is allowed. No costs.

8. C.M.A.No.2657 of 2014 and 84 of 2015:

(i) These appeals pertain to M.C.O.P.No.987 of 2010. In the very same motor accident, the above claim petition was filed by the legal heirs of the deceased Vijaya Kumar, who had driven the vehicle and lost his life in the accident. This M.C.O.P. is filed by the wife and minor daughter of the deceased Vijaya Kumar. The case of the claimants in this M.C.O.P. with regard to the quantum of compensation awarded by the Tribunal, is that the deceased Vijaya Kumar was 31 years at the time of accident and he was a B.E. Graduate and was working as Software Engineer in Tata Consultancy Services (TCS) at Pune. He was earning Rs.97,179/- p.m. In order to prove the income of the deceased, an official working in TCS was examined as P.W.4 and he has deposed that the deceased Vijaya Kumar was working as I.T. Analyst in TCS and through him, Ex.P-24 pay slip of the deceased Vijaya Kumar, was marked, and in Ex.P-24, the earnings of the deceased Vijaya Kumar and deductions made in his salary, are as shown below :

Earnings		Deductions	
Basic salary	15,700.00	Provident Fund	1,884.00
Conveyance non-taxable	800.00	Professional Tax	200.00
House Rent Allowance	7,850,00	Income Tax	21,605.00
Sundry Medical	1,250.00	Health Insurance Scheme premium	899.00
Leave Travel Allowance	1,308.33		
Personal Allowance	2,650.00		
Miscellaneous	46,621.00		
Variable Allowance	21,000.00		

Earnings		Deductions	
Total Earnings	97,179.33	Total deductions	24,588.00

(ii) The learned counsel for the appellant/Insurance Company submitted that the Tribunal, by relying upon Ex.P-24 pay slip, observed that the Variable Allowance and Miscellaneous earnings were likely to be changed for every month, based on the performance of the deceased, as deposed by P.W.4 and that as the claimants have not produced any other pay slip of the deceased, the Tribunal further observed that P.W.4 further deposed that salary which was paid to the deceased Vijaya Kumar, is not fixed income. Hence, the Tribunal observed that 20% of the Variable Allowance and also 20% of the miscellaneous, may be deducted from the said allowances, and the same are Rs.4,200/- (Rs.21,000 x 20%) and Rs.9,324/- (46,621 x 20%) respectively. Thus, based on earnings at Rs.97,179 and deductions at Rs.36,129 (20% of variable allowance at Rs.4,200/-, 20% of miscellaneous at Rs.9,324, professional tax at Rs.200/-, income tax at Rs.21,605 and conveyance-non-taxable at Rs.800/-, totalling Rs.36,129), the Tribunal arrived at the net income of the deceased Vijaya Kumar at Rs.61,050/-. His annual income is thus calculated at Rs.7,32,600/- (Rs.61,050 x 12). The Tribunal added 50% towards future prospects. Accordingly, the total loss of annual income was fixed by the Tribunal at Rs.10,98,900/- (7,32,600 + 50% of 7,32,600). The Tribunal deducted 1/3 towards the personal expenses of the deceased and arrived at the loss of income at Rs.7,32,600/- (10,98,900 - 1/3 of 10,98,900). Accordingly, the Tribunal arrived at the loss of income based on calculation made therein with 16 multiplier, at Rs.1,17,21,600/-. (Rs.7,32,600 x 16). Further, the Tribunal granted Rs.10,000/- towards transportation, Rs.10,000/- towards funeral expenses, Rs.50,000/- towards loss of consortium to the first claimant-wife of the deceased Vijaya Kumar and Rs.10,000/- towards love and affection of the minor child, the second claimant. Thus, the Tribunal granted total compensation of Rs.1,18,01,600/- in respect of the deceased Vijaya Kumar.

(iii) Now, the only grievance of the learned counsel for the Insurance Company is that the amounts awarded under the above heads by the Tribunal are on the higher side and by fixing lesser sum as monthly income, the amount has to be re-calculated.

(iv) Per contra, learned counsel for the claimants submitted that the Tribunal while making deductions of 20% as common component, namely 20% of miscellaneous and 20% deduction towards variable allowance, are on the higher side and that 10% each may be deducted towards variable allowance and miscellaneous. This Court is of the view that as contended by the learned counsel for the claimants, 10% deduction for variable allowance and miscellaneous, would meet the ends of justice. If 10% is deduction is made towards variable allowance and miscellaneous, the amounts are Rs.2,100/- (21,000x10%) towards variable allowance and Rs.4,662/- (46,621 x 10%) towards miscellaneous. Further, the deductions from the salary of the deceased in respect of Provident Fund and Health Insurance Scheme Premium are not permissible. Accordingly, the total deductions are Rs.29,367/- (i.e. total of - variable allowance-2,100, miscellaneous-4,662, professional tax-200, income tax-21,605 and conveyance non-taxable-800) and the earnings as per the salary slip of the deceased Vijaya Kumar is Rs.97,179/- as noted above. Thus, after deducting the total deductions of Rs.29,367/- from Rs.97,179/-, the net income of the deceased is fixed at Rs.67,812/-. Accordingly, the following calculation is made towards loss of income:

Calculation details	Amount in Rs.
Net income of the deceased	67,812
Annual net income of the deceased (67,812 x 12)	8,13,744
Add: 50% towards future prospects 50% = 4,06,872	4,06,872
Total	12,20,616
Less: 1/3 towards personal expenses	4,06,872
	8,13,744
Applying multiplier 16 (8,13,744 x 16), the net loss of income to the family	1,30,19,904

(v) The amounts awarded by the Tribunal at Rs.10,000/- towards transportation, Rs.10,000/- towards funeral expenses, Rs.50,000/- towards loss of consortium to the first claimant-wife of the deceased Vijaya Kumar and Rs.10,000/- towards love and affection of the minor child, the second claimant, are hereby confirmed. Thus, the break-up details of the total amount of compensation in respect of the deceased Vijaya Kumar are now as follows:

Heads under which the amount is awarded	Amount awarded by the Tribunal	Amount awarded by this Court
Loss of income	1,17,21,600	1,30,19,904
Transportation	10,000	10,000
Funeral expenses	10,000	10,000

Heads under which the amount is awarded	Amount awarded by the Tribunal	Amount awarded by this Court
Loss of consortium to the first claimant	50,000	50,000
Loss of love and affection to the minor claimant	10,000	10,000
Total compensation	1,18,01,600	1,30,99,904

Thus, in respect of the deceased Vijaya Kumar, the total compensation of Rs.1,30,99,904/- will be just and fair compensation and the total compensation amount awarded by the Tribunal at Rs.1,18,01,600/- is enhanced to Rs.1,30,99,904/- (Rupees one crore thirty lakhs ninety nine thousand nine hundred and four only), with interest at 7.5% p.a. from the date of claim petition till the date of deposit.

9. (i) As far as the Cross Objection filed by the claimants in M.C.O.P.No.987 of 2010 is concerned, it is the submission of the learned counsel for the Insurance Company that the father of the deceased Vijaya Kumar, namely Sengodan, was examined as P.W.1 and in his cross-examination, P.W.1 has admitted that he is doing contract work and possessing several properties worth several Lakhs of Rupees. Hence, the learned counsel for the Insurance Company submitted that the apportionment of compensation as awarded to the father-Sengodan, can be maintained.

(ii) However, we find that since the compensation amount in M.C.O.P.No.987 of 2010 is enhanced to Rs.1,30,99,904/-, the apportionment of compensation made by the Tribunal towards the third respondent (Sengodan) in Cross Objection, namely Sengodan, may also be enhanced. Accordingly, the amount awarded by the Tribunal to the said Sengodan (fourth respondent in M.C.O.P.No.987 of 2010) is enhanced from Rs.8,01,600/- to Rs.12 lakhs (Rupees twelve lakhs only) from and out of Rs.1,30,99,904/-. The cross objector/first claimant-wife of the deceased is entitled to Rs.60 lakhs (Rupees sixty lakhs only) and the second minor claimant is entitled to the balance amount, i.e. Rs,58,99,904/- (Rupees fifty eight lakhs ninety nine thousand nine hundred and four only). The appellant/Insurance Company in C.M.A.No.2657 of 2014 is directed to deposit the entire amount of compensation of Rs.1,30,99,904/- with 7.5% interest from the date of claim petition till the date of deposit, less the amount already deposited, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit being made, the first claimant and the cross objector/fourth respondent in M.C.O.P.No.987 of 2010 are permitted to withdraw their respective shares from the amount of total compensation by filing necessary application before the Tribunal. So far as the share of minor claimant is concerned, the Tribunal is directed to deposit the same in any one of the Nationalised Banks and on such deposit being made, the mother of the minor claimant is permitted to withdraw the interest once in three months, directly from the Bank, until she attains majority. Since the amount of compensation is enhanced as above, the first claimant in M.C.O.P.No.987 of 2010 is directed to deposit the necessary Court fee before the Court.

10. Consequently, the appeal filed by the Insurance Company in C.M.A.No.2657 of 2014 is dismissed and the appeal filed by the claimant in C.M.A.No.84 of 2015 and the Cross Objection filed by the claimants in M.C.O.P.No.987 of 2010 are partly allowed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

cs

To
1. The Presiding Officer,
   Motor Accidents Claims Tribunal
   (I Additional District Judge),
   Salem.

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

+1cc to Mr.R.Selvakumar, Advocate, S.R.No. 20721
+1cc to Mr.VR.Rajasekaran, Advocate, S.R.No. 20774
+1cc to Mr.N.B.Surekha, Advocate, S.R.No. 20520

C.M.A.Nos.2656 and 2657 of 2014 and 83 and 84 of 2015

NMI(CO)
GN(19/10/2020)