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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Judgment Reserved on : 24.03.2021

Judgment Delivered on : 27.04.2021

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

C.M.A.No.2227 of 2012

1. Devendran
S/o. P.Krishnan

2. Tamilarasan
S/o. P.Krishnan

3. Ganga
D/o. P.Krishnan

...Appellants/Petitioners

Vs.

1. P.Krishnan
S/o. Perumal

2. The United India Insurance Co. Ltd.,
No.58, Purasawalkkam High Road,
Chennai - 07.

...Respondents/Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree in M.C.O.P.No.180 of 2008 dated 31.01.2012 on the file of the Motor Accidents Claims Tribunal, Chief Small Causes Court, Chennai.

For Appellant : Mr.Varadhakamaraj

For Respondents : No Appearance.
Mr.J.Chandran for R2

JUDGMENT

(This case was heard through video conference)

This Civil Miscellaneous Appeal has been filed by the appellants seeking enhancement of compensation granted by the Tribunal in the award dated 31.01.2012 in MCOP.No.180 of 2008 on the file of the learned Motor Accidents Claims Tribunal, Chief Judge, Small Causes Court, Chennai.



the Tribunal. Therefore, the appeal lacks merits and it has to be dismissed.

7. Points for consideration

Whether the appellants/claimants are entitled to seek enhancement of compensation?

8. Perused the claim petition filed by the appellants/claimants before the learned Motor Accident Claims Tribunal in MCOP.No.180/2008, the counter filed by the second respondent/Insurance Company and the Judgment/Order passed by the learned Motor Accident Claims Tribunal and the Memorandum of appeal filed in this appeal.

9. On a perusal of the award passed by the Motor Accident Claims Tribunal, it is found that the deceased was working as a School Teacher and was paid a sum of Rs.5000/- per month which is reasonable. On the date of death, the deceased was aged 43 years. Therefore, towards future prospects, 25% of the income could be added as per the reported decision of the Hon'ble Supreme Court in "Pranay Sethi" case. Loss of Dependency is arrived at as follows:

Future Prospects :: 5000 (Monthly income) x
25%(Future Prospects) = 1250

Future Prospects on addition of the income
per month :: 5000+1250=6250
Annual Contribution :: 6250x12 = 75000

Towards Personal expenses :: 75000x1/3=25000
:: 75000-25000=50000

Taking the multiplier as 14 for the age group 40 to 45 years
Pecuniary Loss :: Rs.50000x14
:: Rs.7,00,000/-

10. No amount was awarded by the Tribunal under the heads like "Loss of Estate" and "Medical Expenses". Therefore, this Court awards a sum of Rs.15000/- towards "Loss of Estate" and Rs.1,11,345/- towards "Medical expenses" as per the Discharge bills under Ex.P4 from DRJ Hospital.

11. The claimants are the sons and daughter of the deceased. They had lost their moral support during their life. Therefore, they are entitled to a reasonable compensation towards "loss of love and affection". Hence this Court enhanced from Rs.30,000/- to Rs.75,000/- towards "Love and Affection". This Court enhanced from Rs.10,000/- to Rs.15,000/- towards "Funeral Expenses".



12. The break-up details of the amounts awarded under various heads are as follows:

Sl. No	Head under which the compensation is awarded	Amounts awarded by the Tribunal	Amounts awarded by this Court
1	Pecuniary Loss	3,36,000	7,00,000
2	Loss of Love and Affection	30,000	75,000
3	Loss of Estate	-	15,000
4	For Funeral Expenses	10,000	15,000
5	Medical Expenses	-	1,11,345
	Total	3,76,000	9,16,345

13. The point for consideration is answered in favour of the appellants/claimants and against the second respondent/Insurance Company herein.

14. Accordingly, this Civil Miscellaneous Appeal is partly allowed. The second respondent/Insurance Company is directed to deposit the amount, which this Court determined in this appeal, to the credit of M.C.O.P.No.180 of 2008 on the file of the Motor Accidents Claims Tribunal, Chief Judge, Small Causes Court, Chennai, with accrued interest at the rate of 7.5% per annum from the date of the claim petition till the date of deposit along with costs, through RTGS or NEFT method as held by this Court in (The Oriental Insurance Company Limited, Kannur Vs. Rajesh and two others) 2016 (1) TN MAC 433, after adjusting the amount, if any, already deposited, within a period of eight weeks from the date of receipt of a copy of this judgment. On such deposit, the first claimant shall be entitled to withdraw a sum of Rs.3,00,000/- with accrued interest. Second claimant shall be entitled to withdraw a sum of Rs.3,00,000/- with accrued interest and third claimant shall be entitled to withdraw a sum of Rs.3,16,345/- with accrued interest. The appellants are directed to pay appropriate Court fees within a period of two months, failing which, they are not entitled to claim interest on the award amount. No costs.

Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar



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1. The Chief Judge,
The Motor Accidents Claims Tribunal,
Small Causes Court, Chennai.
2. The Section Officer,
V.R Section,
High Court, Madras.

C.M.A.No.2227 of 2012

BR[co]
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