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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.1925 of 2020

and CMP.No.14213 of 2020

(Through Video Conferencing)

Reliance General Insurance Company Limited,
Raj's Towers, Plot No.2054,
2nd Avenue, 2nd Floor,
Next Senthil Nursing Home,
Anna Nagar, Chennai - 40.

...Appellant/2nd Respondent

Vs.

1.C.Deepak

..1st Respondent/Petitioner

2.M.Jagadeesh

...2nd Respondent/1st Respondent

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree dated 26.09.2019 made in M.C.O.P.No.431 of 2016 on the file of the Motor Accidents Claims Tribunal, II Additional District and Sessions Court, Ranipet.

For Appellant : Mr.S.Arunkumar

For Respondents : No Appearance

JUDGMENT

Though notice has been served on the contesting respondents/claimants, there is no representation on behalf of them. Since, no adverse order are proposed to be passed against the contesting respondents, with consent of the learned counsel for the appellant, this appeal is taken up for hearing and is disposed by this Judgment.

2. The appellant-Insurance Company is aggrieved by the impugned judgment and decree dated 26.09.2019 passed by the Motor Accident Claims Tribunal, II Additional District and Sessions Court, Ranipet in M.C.O.P No.431 of 2016.



3. By the impugned Judgment and Decree, the Tribunal has awarded a sum of Rs.21,00,000/- as compensation together with interest at 7.5% p.a. from the date of claim petition till the date of deposit, to the 1st respondent/claimant.

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4. The break up of the amount awarded by the Lower Court are summarised below:-

S.No.	Heads	Amount Awarded by the Tribunal
1.	Loss of Income	Rs.20,15,280/-
2.	Loss of Consortium	Rs.73,910/-
3.	Medical bills	Rs.10,000/-
4	Transport Charges	Rs.10,000/-
5	Funeral Expenses	Rs.15,000/-
	Total	Rs.21,54,190/-

5. The brief facts of the case are as follows:

On 15.08.2015 at about 14.00 hrs. when the deceased Shoba was travelling in Hyundai Car bearing Reg.No.TN.18.D6502 on Chennai to Vellore National Highways Road, a driver belonging to the 1st respondent herein insured with the appellant-Insurance company, driven by its rider in a rash and negligent manner, hit the deceased shoba, as a result of which, she sustained grievous injury and died in the hospital.

6. It is the case of the appellant Insurance Company that the Tribunal erred in awarding a sum of Rs.20,15,280/- by considering a notional income of the deceased as Rs.10,000/- per month though she was a home maker and employed. It is further submitted that the deceased was only aged about 22 years at the time of accident. It is further submitted that the Tribunal erred in awarding 40% future prospects for the aforesaid compensation and that the amount awarded by the Tribunal is liable to be quantified.

7. I have perused the evidence on record and the impugned Judgment and Decree passed by the Tribunal.

8. In my view, the Tribunal has awarded just compensation to the respondent. The Tribunal has not committed any error while considering a notional income of the deceased as Rs.10,000/-. 40% was correctly added towards future prospects as per the decision of the Hon'ble Supreme Court in



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National Insurance Company Limited Vs. Pranay Sethi and Others, (2017) 16 SCC 680. The Tribunal has correctly considered correct multiplier as per the decision of Supreme Court in Sarla Verma vs. Delhi Transport Corporation, 2009 (2) TNMAC 1 SC and deducted 1/3rd towards personal expenses of the deceased.

9. Therefore, the impugned Judgment and Decree passed by the Tribunal requires no interference. Accordingly, the appeal filed by the appellant Insurance Company is dismissed.

10. The appellant-Insurance Company is therefore directed to deposit the compensation awarded together with interest at 7.5% per annum from the date of filing of the claim petition till the date of deposit and cost as was directed by the Tribunal in the impugned Judgment and Decree, less the amount already deposited if any, within a period of six weeks from the date of receipt of a copy of this Judgment.

11. On such deposit, the respondent/claimant is permitted to withdraw the compensation together with interest and cost, less the amount already withdrawn if any, by filing suitable application before the Tribunal.

12. In view of the above, this Civil Miscellaneous Appeal is hereby dismissed. No cost. Consequently, connected miscellaneous petition is also closed.

s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

drl

To:

1.The Motor Accidents Claims Tribunal,
II Additional District and Sessions Court,
Ranipet.

+1 CC to Mr.S.Arunkumar, Advocate sr 24776

C.M.A.No.1925 of 2020
and
CMP.No.14213 of 2020

PMK(CO)
SP(06/12/2021)