



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.1497 of 2021

and

C.M.P.No.4328 of 2021

1.Lakshmi

2.Minor.Kasthuri

3.Minor Sudharson

4.Rathinam

...Appellants/Petitioners

Vs.

1.Thenmozhi

2.United India Insurance Company Limited,
TP HUB, No.104, Ranga Building,
Peramanur Main Road, Salem - 7.

...Respondents 1 & 2/Respondents 1 & 2

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree dated 06.10.2018 made in M.C.O.P.No.510 of 2017, on the file of the Motor Accidents Claims Tribunal, II Additional District Judge, Salem.

For Appellants : Mr.S.P.Yuvaraj

For Respondent : Mr.M.J.Vijayaragavan for R2

JUDGMENT

The claimants are the appellants in this appeal and they are seeking for enhancement of compensation awarded by the Motor Accidents Claims Tribunal by its impugned judgment and decree dated 06.10.2018 passed in M.C.O.P.No.510 of 2017.

2.By the impugned judgment and decree, the Tribunal has awarded Rs.15,67,500/- under the following heads:-



WEB COPY

9. The Tribunal has also not correctly determined the amount of compensation payable towards loss of consortium, parental consortium and filial consortium as per the decision of the Hon'ble Supreme Court in Magma Insurance Company Limited Vs Nanuram @ Chuhruram and others, (2018) 18 SCC 130. The Tribunal has also not awarded any amount towards Future Prospects. Therefore, the compensation to be awarded to the appellants is re-computed as follows:-

Loss of Dependency	Rs.19,68,624
Monthly Notional Income	
Rs.12,500	
+ Future Prospectus 25%	Rs. 3,125

Rs.15,625	
Deduction towards	
Personal expenses $\frac{1}{4}$	Rs.
3,907	

Monthly contribution	Rs.11,718
Annual Contribution	
X	12
Rs.1,40,616	
(Annual Contribution	
X multiplier	14)
Rs.19,68,624	
Loss of consortium for the 1 st appellant	Rs. 40,000
Loss of parental consortium for the 2 nd and 3 rd appellants 40,000 each	Rs. 80,000
Loss of filial consortium for the 4 th appellant	Rs. 40,000
Funeral expenses	Rs. 15,000
Transport charges	Rs. 15,000
Total	Rs.21,58,624/-

10. The 2nd respondent/Insurance Company is therefore directed to deposit the enhanced amount of compensation of Rs.21,58,624/- together with interest at 7.5% per annum from the date of numbering of the claim petition till the date of such deposit, less any amount already deposited by it, within a



period of eight weeks from the date of receipt of a copy of this Judgment.

11. On such deposit being made by the 2nd respondent/Insurance Company, the 1st and 4th appellants/1st and 4th claimants are permitted to withdraw their shares together with interest accrued thereon, less any amount already withdrawn in the same proportion as was ordered by the Tribunal.

12. The 1st appellant/1st claimant are directed to pay the deficit Court fee within a period of eight weeks from the date of receipt of a copy of this order. On such deposit of deficit court fee, the Registry shall draft the decree of this Judgment. It is also made clear that there is no interest to be paid for 445 days being delay in filing the present appeal as per order dated 01.04.2021 in C.M.P.No.4328 of 2012.

13. Since the 2nd and 3rd appellants/2nd and 3rd claimants are stated to be minor at the time of filing of the claim petition, their shares shall be deposited in an interest bearing account and the interest shall be allowed to be withdrawn by his father for the benefit of the minor. On attaining the age of majority, the 2nd and 3rd appellants/2nd and 3rd claimants may also file appropriate application before the Tribunal for withdrawing their shares of compensation.

14. This Civil Miscellaneous Appeal stands Partly Allowed with the above observations. No costs. Consequently, connected Miscellaneous Petition is also closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

jas
To:

1. United India Insurance Company Limited,
TP HUB, No.104, Ranga Building,
Peramanur Main Road,
Salem - 7.

2. The Motor Accidents Claims Tribunal,
II Additional District Judge, Salem.



3.The V.R.Section,
Madras High Court,
Madras.

WEB COPY

+1 CC to Mr.S.P.Yuvaraj, Advocate sr 25829.

C.M.A.No.1497 of 2021

SP(21/10/2021)