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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.2426 of 2016
and CMP.No.17071 of 2016

The Branch Manager,
National Insurance Company Limited,
Branch Office, 2nd floor,
81-D, Chetty Street, opposite to bus stand,
Tiruchengode,
Namakkal District - 637 211.

... Appellant/2nd Respondent

Vs

1.Prabavathi

...1st

Respondent/Petitioner

2.Mr.M.Selvaraj

3.Murugammal

4.Madhan @ Periyamadhan

...2 to 4 Respondents/
1,3,4 Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed in MACT O.P.No.510 of 2013 dated 30.04.2015 on the file of the Motor Accident Claims Tribunal, Special District Court, Krishnagiri.

For Appellant : Ms.N.B.Surekha

For Respondents: R1 to R3- sd- NA

R4- Not ready in notice

reg.R4

J U D G M E N T

This appeal has been filed by the Insurance Company challenging the quantum of compensation awarded by the Tribunal under the impugned Award dated 30.04.2015 passed by the Motor Accident Claims Tribunal, Special District Court for Motor Accident Claims Cases, Krishnagiri in M.C.O.P.No.510 of 2013.

2.The Appllant Insurance Company has challenged the impugned Award only on the ground that the quantum of compensation



awarded by the Tribunal to the claimants is excessive.

3.The details of the compensation awarded by the Tribunal under the impugned Award are as follows:

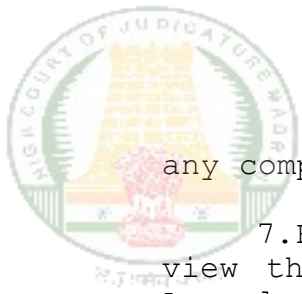
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Particulars	Amount (Rs.)
Future loss of income	12,96,000
Loss of consortium for the petitioner had lost her husband at the age of 20 years	1,00,000
Loss of love and affection for the respondents 3 and 4 who had lost their son, financial supporter in their evening of life (Rs.1,00,000 x 2 = Rs.2,00,000/-)	2,00,000
Transport to hospital	15,000
Funeral expenses	20,000
Total	Rs.16,26,000

4.Heard, N.B.Surekha, learned counsel for the Appellant. Despite service of notice on the respondents 1 to 3 and their names having been printed in the cause list today, none appears on their side. Since no adverse orders are going to be passed against R4, notice to the R4 is dispensed with.

5.The Appellant Insurance Company has challenged the impugned Award only on the ground that the loss of consortium awarded to the wife of the deceased at Rs.1,00,000/- and the compensation awarded towards loss of love and affection to the respondents 3 and 4 who are the parents of the deceased at Rs.2,00,000/- is excessive. However, as seen from the impugned Award, the Tribunal has not awarded any compensation to the claimants towards loss of future prospects which they are legally entitled to as per the settled law.

6.Therefore, this Court is of the considered view that overall compensation awarded by the Tribunal amounting to Rs.16,26,000/- comprising of Rs.12,96,000/- towards loss of income, Rs.1,00,000/- towards loss of consortium to the wife of the deceased, Rs.2,00,000/- towards loss of love and affection to the parents of the deceased, Rs.15,000/- towards transportation and Rs.20,000/- towards funeral expenses cannot be considered to be excessive as the Tribunal has not awarded



any compensation towards loss of future prospects.

7. For the foregoing reasons, this Court is of the considered view that there is no merit in this Appeal. Accordingly, this Appeal shall stand dismissed. The Appellant Insurance Company is directed to deposit the entire award amount along with interest and costs as assessed by the Tribunal after deducting the amount already deposited if any to the credit of MCOP.No.510 of 2013 within a period of four weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the Tribunal shall transfer the amount lying to the credit of MCOP.No.510 of 2013 to the bank account of the respondents 1, 3 and 4 as per the ratio apportioned through RTGS within a period of one week thereafter. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Motor Accident Claims Tribunal,
Special District Court for MAC cases,
Krishnagiri.

Copy to
The Section Officer
V.R. Section, High Court of Madras.

+1cc to M/s.N.B.Surekha, Advocate SR.24828

C.M.A.No.2426 of 2016

GMI (CO)
CB(01/10/2021)