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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.3043 of 2019

1.E.Geetha Rajeswari
2.E.Venkat Ranjith
3.E.Guru Rajesh

.. Appellants/Petitioners

Vs.

1.Amirthavalli
2.Bajaj Allianz General Insurance Company Limited,
Branch Office, S.L.S. Towers, 1st Floor,
No.68, Cherry Road,
Salem - 636 007.

.. Respondents/Respondents

(R1 remained exparte)

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree dated 05.01.2018 made in M.C.O.P.No.530 of 2016 on the file of the Motor Accident Claims Tribunal, Special District Court, Salem.

For Appellants :	Mr.K.Kuppusamy
For R1 :	No appearance
For R2 :	Mr.N.Somasundar

J U D G M E N T

The matter is heard through "Video Conferencing".

2.This Civil Miscellaneous Appeal has been filed for enhancement of compensation granted by the award dated 05.01.2018 made in M.C.O.P.No.530 of 2016 on the file of the Motor Accident Claims Tribunal, Special District Court, Salem.

3.The appellants are the claimants in M.C.O.P.No.530 of 2016 on the file of the Motor Accident Claims Tribunal, Special District Court, Salem. They filed the above said claim petition, claiming a sum of Rs.1,00,00,000/- as compensation for the death of one Elango, who died in the accident that took place on 16.01.2016.



4.The Tribunal considering the pleadings, oral and documentary evidence, held that the accident occurred due to rash and negligent driving by the driver of the car belonging to the 1st respondent and directed the 2nd respondent-Insurance Company to pay a sum of Rs.26,18,333/- as compensation to the appellants.

5.Not being satisfied with the amounts awarded by the Tribunal, the appellants have come out with the present appeal seeking enhancement of compensation.

6.The learned counsel appearing for the appellant contended that the Tribunal failed to see that split multiplier can be adopted only for specific reason and evidence on record. The split multiplier cannot be applied in a routine manner. The Tribunal failed to consider that deceased could have been gainfully employed after his retirement and would have received income equivalent to the salary which he was receiving while he was in service. The deceased was aged 59 years at the time of accident and the Tribunal has not granted any future prospects. The deceased worked as Development Officer in LIC and there is ample scope for him to work as an agent in LIC and he would have earned equivalent earning while he was in service. The learned counsel appearing for the appellant further contended that the Hon'ble Apex Court held that for applying split multiplier method, the facts and circumstances of the case must be considered and there is no straight jacket formula for the application of split multiplier and prayed for allowing the appeal.

6(a).In support of his contention, the learned counsel appearing for the appellants relied on the following judgments:

(i)A judgment of this Court in C.M.A.No.2960 of 2018, [Radha Sagayamary and others Vs. Marimuthu and another], wherein this Court at paragraph Nos.8 & 9 held as follows:

"...8. A Division Bench of this Court in the judgment reported in 2017 (1) TN MAC 652 (DB) [Oriental Insurance Co. Ltd. v. S.Venkateswari and others, after considering the judgment of the Hon'ble Supreme Court in Puttamma (cited supra), in paragraph 24 held as follows:-

"24. The Judgments relied on by the learned counsel for the Appellant/Insurance Company would speak about the split Multiplier concept. However, in the



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Judgement rendered by the Honourable Supreme Court in Puttamma and others Vs. K.L.Narayana Reddy and another, 2014(1) TN MAC 481 (SC), at paragraph 34, it has been held that "We, therefore, hold that in absence of any specific reason and evidence on record the Tribunal or the Court should not apply Split Multiplier in routine course and should apply Multiplier as per decision of this Court in the case of Sarla Verma v. Delhi Transport Corporation, 2009(2) TN MAC 1 (SC), as affirmed in the case of Reshma Kumari Vs. Madan Mohan, 2013 (1) TN MAC 481 (SC)."

9. In the judgment reported in 2013(2) TNMAC 113(DB), the deceased was Assistant Special Grade Officer in University, the possibility of being employed after retirement was considered. In the present case, the deceased was working as a male attender trained in dealing with mentally retarded persons and he could have got a job even after his retirement and get the same salary. The Tribunal failed to consider the possibility of deceased getting a job after retirement and getting decent salary. In view of the judgment of the Hon'ble Apex Court and Division bench of this Court referred to above and the possibility of getting a similar job after retirement, the split multiplier applied by the Tribunal is set aside. The compensation for loss of income is modified as follows:

Rs.19,140/- x 12 x 8 x $\frac{3}{4}$ = Rs.13,78,080/-."

(ii) A Division Bench judgment of this Court in C.M.A.No.2996 of 2019, [P.Jeeva and others Vs. N.Nehru and another], wherein the Division Bench of this Court at paragraph No.6 held as follows:



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"...6.Insofar as the issue qua split multiplier is concerned, it can never be stated that the Tribunal is prevented from adopting the same in all cases. In the given case, it is well open to the Tribunal to adopt the doctrine of split multiplier which has been done in this case. Admittedly, the deceased was 56 years old and working as Deputy Manager in the State Bank of India. Therefore, the Tribunal split the multiplier into two. One is the period during which he would have worked and the remaining period had he lived after his retirement. However, there are two mistakes committed by the Tribunal. One is with respect to the percentage of future income on the death. It has adopted 10% as against 15%, as fixed by the Apex Court and in a similar case, the consequential multiplier has been adopted for 11 years instead of 9 years."

(iii)A Division Bench judgment of this Court in C.M.A.No.3307 of 2019, [P.Santhi and others Vs. K.Venkatachalam and another], wherein the Division Bench of this Court at paragraph No.11, held as follows:

"...11.In the light of the decision of the Honourable Apex Court, mentioned supra, we are of the view that the split multiplier adopted by the Tribunal is liable to be interfered with inter alia to award compensation by adding 15% of the monthly income of the deceased towards future prospects. For this purpose, the amount of Rs.12,992/- reflected in Ex.P11, salary slip of the deceased is taken into account. In fact, PW3, Thavasiappan, one of the staff of the Tamil Nadu Electricity Board was examined before the Tribunal through whom Ex.P11 was marked. Therefore, taking the sum of Rs.12,992/- as the gross monthly income of the deceased is proper. For the purpose of awarding future prospects of the deceased, 15% of the amount of Rs.12,992/- is added taking the total monthly income of the deceased to Rs.14,940/- (Rs.12,992/- + Rs.1,948 - 15% of future prospects). Out of this amount, one third amount has to be deducted towards



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the personal expenses of the deceased and after such deduction, the monthly income of the deceased could be arrived at (Rs.14,940 - 4980) Rs.9,960/-. Applying multiplier '11' inasmuch as the deceased died at the age of 51, the amount payable to the appellants towards loss of earning will be Rs.13,14,720/- (Rs.9960/- X 12 X 11). This according to us will be a fair and reasonable compensation towards pecuniary loss suffered by the appellants/claimants."

7.Though notice has been served on the 1st respondent and her name is printed in the cause list, there is no representation for her, either in person or through counsel.

8.Per contra, Mr.N.Somasundar, learned counsel appearing for the 2nd respondent-Insurance Company contended that at the time of accident the deceased was aged 59 years and 6 months and had only 6 months of service. He had no promotional opportunity. The Tribunal rightly considered and not granted any enhancement for future prospects and granted compensation by applying split multiplier. The appellants have not pleaded and proved that after his retirement the deceased would have worked as an LIC agent and would have earned amount equivalent to the amount he was earning while in service. In view of the same, there is no reason to interfere in the award passed by the Tribunal and relied on the following judgments:

(i)A Division Bench judgment of this Court reported in 2012 (7) MLJ 410, [The Divisional Manager, M/s.Royal Sundaram Alliance Insurance Company Limited Vs. Saraladevi and others], wherein this Court at paragraph No.11 held as follows:

"...11.As per the judgment of Hon'ble Apex Court reported in Sarla Verma and others .vs. Delhi Transport Corporation and another (2009 (2) TN MAC 1), the correct multiplier between the age of 56 to 60 is 9. Therefore, multiplier of 9 could be taken into consideration for arriving at compensation to the case on hand since the deceased was 58 years at the time of his death. If the actual salary of Rs.50,809/- is taken into consideration, the annual loss of income works out to Rs.6,09,708/-. 10% of the amount is liable to be deducted towards income tax deduction. 10% in the sum of Rs.6,09,708/- comes to Rs.60,970.80 and the



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same can be rounded off to Rs.61,000/-. If so, the balance amount works out to Rs.5,48,708- (Rs.6,09,708/- minus Rs.61,000/-), rounded off to Rs.5,49,000/-. Hence, annual loss of income could be fixed at Rs.5,49,000/-. For the first two years, the loss of income would be Rs.10,98,000/- (Rs.5,49,000/- x 2 years). For the balance seven years, only 50% annual income has to be taken into consideration as notional income, which comes to Rs.19,21,500/- (Rs.2,74,500/- x 7 years). Therefore, the total loss of income works out to Rs.30,19,500/- (Rs.10,98,000/- + Rs.19,21,500/-)."

(ii) A Division Bench judgment of this Court reported in 2013 (2) TNMAC 113 (DB), [R.Leelavathy Vs. Sheik Dawood and another], wherein this Court at paragraph Nos.11 & 12, held as follows:

"..11. In the case on hand, Ex.P.6 is the salary certificate. In the absence of any contrary evidence, Tribunal was not right in fixing the take home salary of the deceased at Rs.11,000/- for the period during which he would have been in employment. The Tribunal ought to have taken the salary of deceased at Rs.22,474/- for the period of one year of left over service of deceased taking into consideration that the deceased is aged 57 years at the time of accident and deducted 1/3rd therefrom towards personal expenses of deceased, to arrive at the loss of dependency to the family. Therefore, we deem it appropriate to take the salary of deceased as Rs.22,474/- for the period of one year i.e., till the deceased attained the age of 58 years. After deducting 1/3rd for personal expenses, Rs.7491/-, contribution to the family is calculated at Rs.14,983/- which is rounded off to Rs.15,000/- and the yearly loss of contribution to the family is calculated at Rs.1,80,000/- (Rs.15,000/- x 12).

12. In respect of the period after superannuation of the deceased on attaining the age of 58 years, he would have got 50% of his last drawn salary as pension, which



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could be approximately quantified at Rs.11,250/- (Rs.22,474x 50/100) and deducting 1/3rd for the personal expenses therefrom, loss of contribution per month would be Rs.7,500/-. The age of the deceased is 57 years and as per the Second Schedule to the Motor Vehicles Act, the proper multiplier would be "8". As we have taken multiplier "1" for the period of his service, the amount of Rs.7,500/- as loss of contribution to the family is to be taken into account for the remaining multiplier of "7". The loss of dependency to the claimant for the remaining period of 7 years works out to Rs.7,500 x 12 x 7 = Rs.6,30,000/-. Therefore, the total loss of dependency is Rs.8,10,000/-."

(iii) A Division Bench judgment of this Court reported in 2014 (1) TNMAC 334 (DB), [Branch Manager, National Insurance Company Limited Vs. M.Arulmozhi and others], wherein this Court at paragraph Nos.13 & 14, held as follows:

"...13. It is an admitted fact that the deceased was employed as Assistant Administrative Officer in Agricultural Department and was earning an income of Rs. 17,529/- per month, which is evidence by Exs. P.6 and P.7 Salary Certificates. From a perusal of EX.P.6, it could be seen that a sum of Rs.255/- is deducted compulsorily from the salary. Therefore, the deceased was getting a net monthly income of Rs.17,274/-. The age of the deceased on the date of accident was 57 years and the multiplier to be adopted is 8, are not in dispute. From the materials available on record, it can be inferred that on the date of accident, the deceased was 57 years and 3 months old and had only 9 months of service before his retirement. Though normally 8 multiplier would be applied in computing the loss of dependency, in this case, the same cannot be done as the income of the deceased will not be the same from the date of retirement. Though the deceased had only 9 months of service, the appellant has got no serious objection to round it off to one year. Accordingly, the period before



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retirement is taken as one year. Therefore, the loss dependency before retirement of the deceased would be Rs. 17, 274/- X 12 X $\frac{1}{4}$ X 1 = Rs. 1,55,466/-.

14. Now, the dependency after the retirement of the deceased is to be considered. Had the deceased Murugesan been alive, after the age of superannuation, he would get only half of the salary as pension. Therefore, it is an exceptional case where the split multiplier has to be adopted, ie., $1 + 7 = 8$. As there is no scope for evidence about the prospect of future increment of the deceased and since the earning would be reduced to 50% after retirement, the multiplier of 8 as adopted by the Tribunal cannot be sustained. Hence, this Court feels that split multiplier can be adopted and as such, after superannuation, 7 multiplier would apply. Therefore, the loss dependency from pensionary benefits would be Rs.8,637/- X $12 \times \frac{1}{4} \times 7 = \text{Rs. } 5,44,131/-$."

(iv) A Division Bench judgment of this Court reported in 2014 (1) TNMAC 651 (DB), [Uma Shankar and another Vs. Revathy Vadivel and others], wherein this Court at paragraph Nos.5 & 8, held as follows:

"...5. On evaluation of the entire evidence both oral and documentary available on records the Tribunal has held that the accident was only due to the rash and negligent driving of the driver of the car. At the time of accident the deceased was 61 years and he was working as a General Manager in M/s.Sivakami Commercial Company Private Limited and drawing a sum of Rs.22,425/- p.m. after deduction towards Income Tax. Considering the fact that the employment of the deceased was getting extended by every year as could be seen from Ex.P6 appointment order, the Tribunal has taken Rs.22,425/- p.m. for one year and for rest of six years, 50% of the monthly income, i.e. Rs.11,212.50 has been taken and thus by adopting split multiplier, the Tribunal has awarded a sum of Rs.7,17,600/- towards loss of income, after deducting



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1/3rd towards personal expenses.
(Rs.22425/- x 12 (for one year) + 11212.50
x 12 x 6 (for six years) = 10,76,400 -
3,58,800/- (less 1/3rd towards personal
expenses) = Rs.7,17,600/-.

8. It is true that the Courts should not introduce the concept of split multiplier departing from the multiplier method as guided by the Hon'ble Supreme Court in "Sarala Verma case" (cited supra) without disclosing any reason therefor. But on a perusal of the award of the Tribunal, we find that that for adopting the split multiplier, the Tribunal has given sufficient reasons. Admittedly, as seen from Ex.P6 appointment order, the employment of the deceased was renewable and being extended by every year. Therefore, taking note of this, the Tribunal was of the view that it cannot be expected that the service of the deceased as General Manager will be extended for the remaining seven years, hence, it is appropriate to take full salary for a period of one year and thereafter 50% of the salary for the remaining six years and accordingly, the Tribunal determined the loss of income as stated supra. This reasoning of the Tribunal, in our view, is justifiable and reasonable since the possibility of extending or not extending the services of the deceased for the remaining seven years has been rightly considered as 50:50. Hence, we are not inclined to take a different view. Therefore, as the Tribunal has given reasons for adopting split multiplier, the decision relied on by the learned counsel for the appellants cannot be made applicable to the present case."

(v) A judgment of this Court reported in 2015 (2) TNMAC 556, [The General Manager, Tamil Nadu State Transport Corporation, Periyamilaguparai, Trichy - 1 Vs. N.Paramasivam], wherein this Court at paragraph Nos.11 & 12, held as follows:

"...11. The appellant has further contended in the Grounds of Appeal that the multiplier applied by the Tribunal is not



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correct. The Judgements relied on by counsel for the appellant reported in 2014(1) TN MAC 334(DB) (supra) and 2012(7) MLJ 410(DB) (supra) squarely applies to the facts of the case. Similar to deceased in those cases, the deceased in the present case, was also aged 59 years. He would have retired on completion of age of 60. In the circumstances, following the above two judgements, I am inclined to accept the contention of the learned counsel for the respondent that the respondent is entitled to compensation by applying split multiplier method.

12. Therefore, the respondent is entitled to compensation for loss of income for one year on the full salary of the deceased and thereafter, only on 50% of the salary, as loss of income based on the pension, which the deceased would have received after his retirement. The deceased was aged 59 years and multiplier applicable as per the Judgement of the Honourable Apex Court in Smt. Sarla Verma and others .vs. Delhi Transport Corporation and another (2009 (6) SCC 121), is '9'. The first respondent is entitled to loss of income as follows:

The deceased was earning a sum of Rs.10,271/- p.m. He died as bachelor. 50% from his salary is deducted towards his personal expenses. After deducting 50%, he would have contributed Rs.5,135.50/- p.m. towards maintenance of respondent. After his retirement, he would have received Rs.5135.50 and after deducting 50% his contribution, the monthly loss of income will be Rs.2567/- which is rounded off to Rs.2600/-. Following the two judgements, the order of the Tribunal with respect to compensation for loss of income to the respondent, is modified as follows:

Rs.5,200/- x 12 x 1 = Rs. 62,400/-

Rs.2,600/- x 12 x 8 = Rs.2,49,600/-

Total loss of income =Rs.3,12,000

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(vi) A Division Bench judgment of the Madurai Bench of this Court in C.M.A.(MD).No.665 of 2018, [The Divisional Manager Vs. Mariyammal and others], wherein the Madurai Bench of this Court at paragraph Nos.7 & 9, held as follows:

"...7.This appeal has been preferred only challenging the quantum, According to the claimants, the deceased was working as Grade-I Chowkidhar in Central Government Ware Housing Corporation, CW, K.K.Nagar, Trichy and the Regional Manager of the Central Government Ware Housing Corporation gave evidence as P.W.3 and produced the Service Register, which were marked as Ex.X1 and Ex.X2. According to the evidence of P.W.3, the last drawn salary of the deceased was Rs.42,784/- p.m. Based on the evidence of P.W.3 and Ex.X1 and Ex.X2, the Tribunal has fixed the income of the deceased at Rs.42,784/- p.m and the age of the deceased as 59 years.

9.The Division Bench of this Court in 2013(2) TN MAC 113, 2013(2) TN MAC 729, 2014 (1) TN MAC 334 and 2015(2) TN MAC 449 and Kerala High Court in 2016(1) TN MAC 493 applied split multiplier theory in similar facts. According to the age of the deceased, proper multiplier is '9'. It is not in dispute that the salary of the deceased is Rs.42,784/- and by adding 15% towards future prospects, the income of the deceased comes to Rs.49,202/- and after deducting 1/3rd towards his personal and living expenses, the contribution to the family comes to Rs.32,802/-. By applying split multiplier, the claimants are entitled to Rs.3,93,624/-for the left over service and for the remaining period, by taking 50% of the salary, this Court awards Rs.15,74,496/-. Hence, the total loss of income is arrived at Rs.19,68,120/-. Further, this Court awards a sum of Rs.70,000/- towards conventional damages. In total, the claimants are entitled to Rs.20,38,120/- which is rounded off to Rs.20,39,000/-. Interest rate awarded by the Tribunal is maintained. As per the award of the Tribunal, the appellant and fifth respondent shall pay the award amount at the ratio of 50:50."

9.Heard the learned counsel appearing for the appellants as



well as the learned counsel appearing for the 2nd respondent-Insurance Company and perused the entire materials on record.

10. One of the issues to be decided in this appeal is whether the split multiplier method adopted by the Tribunal to arrive at compensation for loss of dependency is correct or not.

10(i). Split multiplier method is adopted in case of salaried person who died in the accident on the verge of his retirement. After retirement, the person will not be getting the same salary as he was getting while in service. He will be getting only 50% of his salary as pension and his contribution to the family will be proportionately reduced. In such case, it will not be proper to grant compensation for loss of dependency on the salary he was getting while in service. In some case, the deceased person in the nature of work he was doing, may get employment after his retirement similar to the work he was doing while in service and get salary equal to the amount he was getting while in service. In such case, the claimants are entitled to compensation on the entire salary he was getting while in service. In other cases, the claimants are entitled to compensation only by adopting split multiplier method. The split multiplier method can be adopted based on the facts and circumstances of the case depending on the nature of work done by the deceased and whether he could have got similar employment and same salary.

11. In the judgments relied on by the learned counsel appearing for the appellants as well as the learned counsel appearing for the 2nd respondent, no complete prohibition is imposed on the Tribunal or Courts for applying split multiplier method. In the Division Bench judgment of this Court in C.M.A.No.2996 of 2019, [P.Jeeva and others Vs. N.Nehru and another], the Division Bench of this Court held that it can never be stated that Tribunal is prevented from adopting split multiplier in all the cases. It is further held that in the given case, it is open to the Tribunal to adopt doctrine of split multiplier. In the present case, the Tribunal adopted split multiplier method taking into consideration the pleadings and nature of employment of the deceased.

12. It is the case of the appellants that the deceased was working as Development Officer and after his retirement he would have worked as LIC Agent and would have earned amount equivalent to the salary received while he was in service. The learned counsel appearing for the appellants further contended that unless there is specific pleadings and proof for applying split multiplier, the Tribunal as a matter of routine cannot apply split multiplier for awarding compensation. From the averments in the claim petition filed by the appellants it is seen that the appellants have not pleaded that after retirement the



deceased would have worked as an LIC Agent and would have earned amount equivalent to the salary received by him while he was in service. As rightly contended by the learned counsel appearing for the appellants that unless there is pleadings and evidence, split multiplier cannot be applied. The same principle applies for appellants also. Unless the appellants had pleaded, the respondents will not have opportunity to rebut the same. In view of no pleadings, the present contention of the learned counsel appearing for the appellants that split multiplier applied by the Tribunal is erroneous is not acceptable. The appellants have not proved that after the retirement the deceased would have worked as an LIC Agent and earned money. In view of the same, the split multiplier applied by the Tribunal does not warrant any interference by this Court.

13.As far as quantum of compensation is concerned, the deceased was aged 59 years and 6 months at the time of accident. The Hon'ble Apex Court in the judgment reported in 2017 (2) TNMAC 609 (SC), [National Insurance Company Limited Vs. Pranay Sethi and others], granted 10% enhancement towards future prospects for the age of the persons who died between 50 to 60 years. In view of the same, the appellants are entitled to 10% enhancement towards future prospects. The Tribunal has granted compensation for one year at the rate of Rs.64,370/- the salary received by the deceased per month at the time of accident and for 8 years at the rate of Rs.32,185/-, being 50% of the monthly salary received by the deceased. Thus, the compensation awarded by the Tribunal towards loss of dependency till the retirement of the deceased is modified as follows:

(i)Rs.5,66,456/- {Rs.70,807/- [Rs.64,370/- + Rs.6,437/- (10% of Rs.64,370/-)] X 12 X 2/3}

(ii)During the Financial Year 2015 - 2016, there was no income tax deducted upto Rs.2,50,000/- and thereafter, 10% income tax has been deducted for the amount exceeding from Rs.2,50,000/- upto Rs.5,00,000/-. By applying the said principle, 10% income tax has to be deducted for Rs.3,16,456/- (Rs.5,66,456/- - Rs.2,50,000/-) which amounts to Rs.31,646/-.

(iii)Thus, the annual income of the deceased would comes to Rs.5,34,810/- (Rs.5,66,456/- - Rs.31,646/-).

13(a).The Tribunal fixed 50% of the last drawn salary of the deceased (i.e., Rs.32,185/-) as his pension and the same is proper. But the Tribunal has not granted any enhancement towards future prospects. By applying 10% enhancement towards future prospects, and applying multiplier '8' (fixing after adjusting the amount calculated for one year), the loss of dependency after retirement of the deceased comes to Rs.22,65,792/-



{Rs.35,403/- [Rs.32,185/- + Rs.3,218/- (10% of Rs.32,185/-)] X 12 X 8 X 2/3}.

13(a)(i) Thus, the total loss of dependency is arrived at Rs.28,00,602/- (Rs.5,34,810/- + Rs.22,65,792/-).

13(b).The Tribunal has not awarded any amount towards loss of love and affection to appellants 2 and 3. Though the appellants 2 and 3 are major sons, they have lost the love and affection of their father and hence, they are entitled to a sum of Rs.40,000/- each towards loss of love and affection. The amounts awarded by the Tribunal towards loss of consortium to 1st appellant, funeral expenses and loss of estate are just and reasonable and hence, the same are hereby confirmed.

14.It is well settled that the Tribunal and the Courts have to award just compensation. Though the claimant has claimed lesser compensation, the Courts have power to grant just compensation more than the amount claimed by the claimants. Thus, the compensation awarded by the Tribunal is modified as follows:

S. No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted
1.	Loss of dependency	25,48,333/-	28,00,602/-	Enhanced
2.	Loss of consortium to 1 st appellant	40,000/-	40,000/-	Confirmed
3.	Loss of love and affection to appellants 2 and 3	-	80,000/-	Granted
4.	Funeral expenses	15,000/-	15,000/-	Confirmed
5.	Loss of estate	15,000/-	15,000/-	Confirmed
	Total	Rs.26,18,333/-	Rs.29,50,602/- rounded off to Rs.29,50,600/-	Enhanced by Rs.3,32,267/-

15.In the result, this Civil Miscellaneous Appeal is allowed and the compensation awarded by the Tribunal at Rs.26,18,333/- is hereby enhanced to Rs.29,50,600/- together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit. The appellants are directed to pay the necessary Court fee for the enhanced amount of compensation. The 2nd respondent-Insurance Company is directed to deposit the award



amount now determined by this Court, along with interest and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this judgment to the credit of M.C.O.P.No.530 of 2016 on the file of the Motor Accident Claims Tribunal, Special District Court, Salem. On such deposit, the appellants are permitted to withdraw their respective share of the award amount now determined by this Court, as per the ratio of apportionment fixed by the Tribunal, along with proportionate interest and costs, less the amount if any, already withdrawn by making necessary applications before the Tribunal. No costs.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

krk

To

1.The Special District Judge,
Motor Accident Claims Tribunal,
Salem.

2.The Section Officer,
VR Section,
High Court, Madras.

+1cc to Mr.N.Somasundar, Advocate, S.R.No.4491

C.M.A.No.3043 of 2019

GMR(CO)
CB(08/09/2021)