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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

CIVIL MISCELLANEOUS APPEAL NO.751 OF 2016

1. Deivaniammal
2. Padmavathi
3. Thilagavathi

... Appellants/Petitioners

.Vs.

1. A.N.Sivasubramani

2. The United India Insurance Co. Ltd.,
Dr.Sankaran Road,
Namakkal District.

... Respondents/Respondents

PRAYER:-

Appeal under Section 173 of the Motor Vehicles Act, 1988 against the fair and decreetal order dated 18.06.2015 in M.C.O.P.No.1041 of 2013 on the file of the Motor Accidents Claims Tribunal (Principal District Court), Namakkal.

For Appellants : Mr.C.Paraneetharan

Respondent-1 : set ex parte

For Respondent-2 : Ms.I.Malar

JUDGMENT

I have heard the learned counsel appearing for the appellants and the learned counsel appearing for the second respondent.

2. This appeal has been filed by the appellants herein/claimants seeking enhancement of the compensation under the impugned award dated 18.6.2015 passed by the Motor Accidents Claims Tribunal (Principal District Court), Namakkal [for short, the Tribunal] in M.C.O.P.No.1041 of 2013.



3. The appellants herein/claimants, not satisfied with the quantum of compensation awarded by the Tribunal, have preferred this appeal seeking enhancement.

4. The details of compensation awarded by the Tribunal under the impugned award to the appellants herein/claimants are as follows :

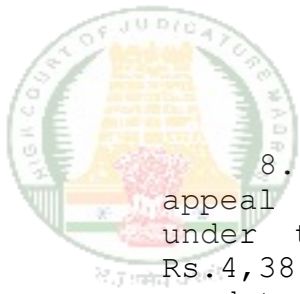
(a) Loss of dependency	:	Rs.1,80,000/-
(b) Loss of love and affection	:	Rs. 10,000/-
(c) Funeral expenses	:	Rs. 5,000/-
(d) Medical expenses	:	Rs.1,00,000/-
Total:		----- Rs.2,95,000/- -----

The deceased was aged 87 years at the time of accident.

5. One of the contentions of the appellants herein before this Court is that even though medical bills were produced by them before the Tribunal for a total value of Rs.2,42,744.67 Ps, which was incurred by them for the medical treatment of the deceased as a result of the accident, the Tribunal has erroneously awarded only a compensation of Rs.1 lakh under the said head without any basis.

6. This Court has perused and examined the impugned award as well as the medical bills filed by the appellants/claimants before the Tribunal marked as Ex.P8 before the Tribunal. As rightly contended by the learned counsel for the appellants herein, without any contra evidence and without any basis, the Tribunal has reduced the compensation payable towards medical bills to Rs.1 lakh instead of Rs.2,42,744.67 Ps, which is the value of the total bills submitted by the appellants herein/claimants. Therefore, this Court enhances the compensation awarded towards medical bills to the appellants herein/claimants from Rs.1 lakh to Rs.2,42,744.67 Ps, which is rounded off to Rs.2,43,000/- by this Court.

7. Admittedly, the deceased was aged 87 years at the time of accident. Hence, this Court is of the considered view that fixation of notional monthly income at Rs.4,500/- and the compensation awarded under various other heads cannot be considered to be inadequate as alleged by the appellants herein/claimants, as the deceased might have survived only for a few more years if he had not met with the accident.



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8. For the foregoing reasons, the above civil miscellaneous appeal is partly allowed and the total compensation awarded under the impugned award is enhanced from Rs.2,95,000/- to Rs.4,38,000/- (Rupees four lakhs and thirty eight thousand only) as detailed hereunder :

(a) Loss of dependency	:	Rs.1,80,000/-
(b) Loss of love and affection	:	Rs. 10,000/-
(c) Funeral expenses	:	Rs. 5,000/-
(d) Medical expenses	:	Rs.2,43,000/-

Total:		Rs.4,38,000/-

No costs.

9. The second respondent - Insurance Company is directed to deposit the entire award amount as determined by this Court in this appeal together with interest at the rate of 7.5% per annum from the date of petition till date of realization less the amount already deposited to the credit of the claim petition within two weeks from the date of receipt of a copy of this judgment. At the time of passing the award, the Tribunal itself permitted the appellants herein to withdraw 50% of their respective share. On deposit of the entire award amount to the extent indicated in this judgment, the Tribunal is directed to transfer the balance award amount together with interest lying to the credit of the claim petition directly to the respective bank accounts of the appellants herein as apportioned by the Tribunal within two weeks thereafter.

Sd/-

Assistant Registrar(AD II)

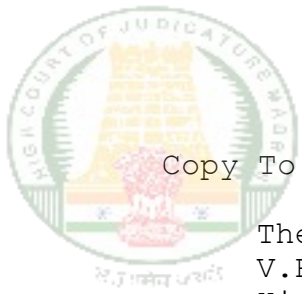
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Sub Assistant Registrar

RS

To

1. The Motor Accidents Claims Tribunal
(Principal District Court),
Namakkal.



Copy To:

The Section Officer,
V.R. Section,
High Court, Madras - 104.

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C.M.A.NO.751 OF 2016

VSN-II (CO)
PBS/26/10/2021