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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2021

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THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.NO.1553 OF 2021

1. R.Revathi
2. Minor.R.Gurudeep
S/o.Rangaraj
3. Minor.R.Vishali
D/o.Rangaraj
(Appellants 2 and 3 are minors
rep by his guardian mother 1st
Appellant herein)
4. G.Ponnusamy
5. P.Rangathal ... Appellants/Petitioners

.Vs.

1. B.Ravikumar
2. Liberty Videocon General Insurance
Co.Ltd, Vayaluran Tower, 2nd Floor,
DB Road, RS Puram,
Coimbatore - 641 002.
... Respondents/Respondents 1 & 2

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree dated 07.09.2019 made in M.C.O.P.No.118 of 2018, on the file of the Motor Accidents Claims Tribunal, IV Additional District Judge, Coimbatore.

For Appellants : Mr.S.P.Yuaraaj

For Respondents : Mr.E.Rajadurai for
M/s.M.B.Gopalan Associates for R2



JUDGMENT

This appeal has been filed by the claimants for enhancement of compensation awarded by the Tribunal in M.C.O.P.No.118 of 2018 in its judgment and decree dated 07.09.2019 on the file of the Motor Accidents Claims Tribunal, IV Additional District Judge, Coimbatore.

2.By the impugned judgement and decree, the Tribunal has awarded a sum of Rs.23,38,000/- as compensation. The Tribunal has awarded only a sum of Rs.40,000/- towards consortium. The Claimant before this Court are the wife appellant/claimant, 2nd and 3rd appellants are the minor childrens and the parents are the deceased Rangaraj. Since the issue is squarely covered by the decision of the Hon'ble Supreme Court in Magma Insurance Company Limited Vs Nanuram @ Chuhruram and others, (2018) 18 SCC 130, I am inclined to enhance the compensation by another sum of Rs.1,60,000/- in terms of the decision of the Magma Insurance Company Limited Vs Nanuram @ Chuhruram and others, (2018) 18 SCC 130. This amount shall be an proportionate equally in favour of the 2nd 3rd, 4th and 5th appellants herein. In the result the true compensation is enhanced to Rs.24,98,000 [23,38,000 + 1,60,000] which is rounded off to Rs.25,00,000.

3.The 2nd respondent/Insurance Company is directed to deposit a sum of Rs.25,00,000 (Rupees Twenty Five Lakhs only) together with interest at 7.5% per annum from the date of the claim petition till the date of such deposit, less any amount already deposited by it, within a period of six weeks from the date of receipt of the copy of this Judgment.

4.On such deposit, the 1st, 4th, and 5th appellants/claimants are entitled to withdraw their amount together with interest as directed by the Tribunal, by filing suitable application before Tribunal.

5.Since the 2nd and 3rd appellant/2nd and 3rd claimants are stated to be minor at the time of filing of the claim petition, their share shall be deposited in an interest bearing account and the interest shall be allowed to be withdrawn by their guardina mother/1st appellant for the benefit of the minor. On attaining the age of majority, the the 2nd and 3rd appellant/2nd and 3rd claimants may also file appropriate application before the Tribunal for withdrawing his share of compensation.



6.This Civil Miscellaneous Appeal is allowed with the above observations and directions. No costs.

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Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To:

1. The Motor Accidents Claims Tribunal,
IV Additional District Judge, Coimbatore
2. The V.R.Section,
Madras High Court, Madras.

+1cc to Mr.S.P.Yuaraj, Advocate, S.R.No.26663

C.M.A.No.1553 of 2021

PM(CO)
CS/18/10/2021