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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 15.11.2021

C O R A M

THE HONOURABLE Mrs. JUSTICE S.KANNAMMAL

Civil Miscellaneous Appeal No. 1444 of 2018

1.M.Muthulakshmi

2.M.Sangavi

(Declared major in M.P. 922/2018, dated 20.03.2018)

3.M.Ranjithkumar

4.U.Kalimuthu Konar

5.R.Kalaiselvi

...Appellants/Claimants

(Cause Title accepted vide order

dated 25.06.2018 in C.M.P. 10602/2018)

Vs

1.M.Anto Tyson

2.Reliance GI. Insurance Co. Ltd.,

Reliance House, Haddows Road

Nungambakkam,

Chennai 600 034

...Respondents/Respondents

Prayer: Civil Miscellaneous Appeal is filed against the judgment and decree dated 04.01.2018 made in MACT O.P.No.695/2014 on the file of II Judge, Motor Accident Claims Tribunal (Court of Small Causes) Chennai.

For Appellants .. Mrs.P.T.Saleem Fathima

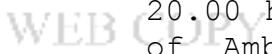
For Respondents .. Mr.S.Arunkumar for R2

R-1 exparte

J U D G M E N T

This Civil Miscellaneous Appeal is directed against the judgment and decree dated 04.01.2018 made in MACT O.P.No.695/2014 on the file of II Judge, Motor Accident Claims Tribunal (Court of Small Causes) Chennai.

2. The claimants are the appellants herein. The first appellant is the wife of the deceased. The appellants 2, 3 and 5 are the daughters and son respectively of the deceased and the first appellant and the 4th appellant is the father of the deceased.



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sum of Rs.40,000/- towards loss of consortium. The Tribunal erred in not awarding any compensation towards loss of love and affection to the other claimants, who are children and father of the deceased. The Tribunal ought to have considered the compensation under the head for loss of estate Rs.2,00,000/-. The Tribunal has awarded only a sum of Rs.15,000/-, instead of Rs.59,000/- for funeral expenses.

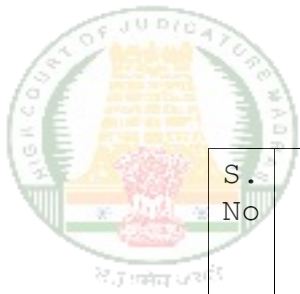
9. It is seen that, the Tribunal has fixed only a sum of Rs.6,000/- as the monthly income of the deceased, who was owning a tea bunk shop. Though the claimants have averred that, the deceased was earning a sum of Rs.17,500/- to Rs.20,000/-, no documentary evidence was produced to substantiate the same. Considering the fact that cost of living has increased enormously, this Court fixes a sum of Rs.10,000/- as the monthly income of the deceased. In view of the same, the compensation towards loss of dependency is arrived at a sum of Rs.14,62,500/- ($\text{Rs.10000} + 2500 - 1/4 = 9375 \times 12 \times 13$).

10. As the Tribunal has awarded a sum of Rs.40,000/- as compensation for loss of consortium, this Court feels it appropriate to fix the same as Rs.40,000/- under the head 'loss of consortium'. As regards grant of compensation under the head 'loss of love and affection to the 2nd and 3rd Appellants' and 'loss of love and affection to the 4th Appellant, this Court feels it appropriate to fix a sum of Rs.1,20,000/- towards 'loss of love and affection to appellants 2 to 4.

11. As far as compensation of a sum of Rs.15,000/- awarded under the head 'Funeral expenses', this Court finds it just and reasonable. As no amount has been awarded under the head 'loss of Estate', this Court feels it appropriate to award a sum of Rs.15,000/- towards the same.

12. In fine, the quantum of compensation awarded by the Tribunal is enhanced to a sum of Rs.16,52,500/-. Details of the same are tabulated below:

S. No	Description	Amount awarded by Tribunal (Rs)	Amount modified by this Court (Rs.)	Award confirmed or enhanced or granted
1.	Loss of Dependency	8,77,500 7500- 1875=5625 5625 * 12 * 13	14,62,500.00 (10000+2500- 1/4=9375*12* 13)	Enhanced



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S. No	Description	Amount awarded by Tribunal (Rs)	Amount modified by this Court (Rs.)	Award confirmed or enhanced or granted
2.	Funeral expenses	15,000.00	15,000.00	Unaltered
3.	Loss of love and affection	Not granted	1,20,000.00	Enhanced
4.	Loss of Consortium to the first appellant	40,000.00	40,000/-	unaltered
5	Loss of estate	-----	15,000.00	Awarded
	Total	Rs.9,33,000.00	Rs.16,52,500.00	Enhanced by Rs.7,19,500/-

10. In the result, the compensation of a sum of Rs.9,33,000/- awarded by the Tribunal is hereby enhanced to a sum of Rs.16,52,500/- (Rupees sixteen lakhs fifty two Thousand five Hundred only), together with interest at the rate of 7.5% per annum from the date of filing the Claim Petition till the date of deposit. The 2nd respondent 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 eight weeks from the date of receipt of a copy of this judgment to the credit of M.C.O.P.No.695 of 2014 on the file of the II Judge, Motor Accidents Claims Tribunal, Court of Small Causes, Chennai. On such deposit being made, the Tribunal is directed to transfer the Award amount directly to the Bank account of the Appellant/Claimant through RTGS, within a period of two weeks.

11. Appellants/Claimants shall pay necessary Court fee, if any, on the enhanced compensation. However, it is made clear that, if there is any delay in filing the above Appeal and in case, any order is passed by this Court earlier depriving interest for the period of delay in question, interest for the period of delay shall be excluded.



12. In fine, the Civil Miscellaneous Appeal is partly allowed. No costs.

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s/d-
Assistant Registrar

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Sub-Assistant Registrar

RR

To

1. The II Judge, Motor Accident Claims Tribunal
(Court of Small Causes) Chennai.

+1 CC to M/s. P.T. Saleem Fathima, Advocate sr 58637.

+1 CC Mr.S.Arunkumar, Advocate sr 59085.

C.M.A.No.1444 / 2018

RSV(CO)
SP(07/12/2021)