



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2021

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THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.2133 of 2019 and
C.M.P.No.8618 of 2019

The New India Assurance Company Ltd,
Kerala,
By its Branch Office at
Villupuram.

... Appellant/2nd Respondent

Vs.

1.Athilakshmi

2.Duraisamy

...1 &2 Respondents/Petitioners

3.Anooppa

(3rd respondent set exparte in the lower
Court. Hence notice to him is dispensed with)

...3rd Respondents/1st Respondent

Civil Miscellaneous Appeal filed under Section 173 of
Motor Vehicles Act, 1988 against the Judgment and Decree dated
08.11.2018 made in M.C.O.P.No.143 of 2015 on the file of the
Motor Accidents Claims Tribunal, (Special District Judge),
Villupuram.

For Appellant : Mr.R.Sivakumar

For Respondents : Mr.Mohammed for
M/s.S.Silambu Selvam for R1 & R2
R3 - Exparte

JUDGMENT

The Insurance company is the appellant in this appeal and
is aggrieved by the impugned judgment and decree dated
08.11.2018 passed by the Motor Accidents Claims Tribunal,
Special District Judge, Villupuram in M.C.O.P.No.143 of 2015.

2. By the impugned Judgment and decree, the Tribunal has
awarded a sum of Rs.11,96,400/- as compensation detailed
below:-



Monthly income of the deceased Rs.6,000x12 (Rs.72,000) (-) Personal Expenses $\frac{1}{2}$ (Rs.36,000) Annual Income of the deceased 72,000 x 40% (+) 36,000 + 28800 = (Rs.64,800 x 18)	Rs.11,66,400/-
Funeral Expenses	Rs. 15,000/-
Loss of Estate	Rs. 15,000/-
Total	Rs.11,96,400/-

3.It is submitted that while arriving at the compensation of Rs.11,96,400/- the Tribunal has committed an error.

4.Heard the learned counsel for the appellant and the respondent.

5.The compensation of Rs.11,66,400/- determined by the Tribunal is incorrect. The compensation is therefore re-computed as follows:-

Monthly income of the deceased 6,000 Annual Income [6000x12] Rs.72,000 Annual Contribution of the deceased to the family at 50% Rs.36,000 [72,000x1/2] Add Future prospectus at 40% [36,000+14,400] Rs.50,400 x 18 Multiplier [50,400 x 18]	Rs. Rs.9,07,200/-
Funeral Expenses	Rs. 15,000/-
Loss of Estate	Rs. 15,000/-
Transportation	Rs. 5,000/-
Total	Rs.9,42,200/-

6.The Appellant/Insurance Company is therefore directed to deposit the compensation of Rs.9,42,200/- together with interest at 7.5% per annum from the date of numbering 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 a copy of this Judgment.

7. On such deposit being made by the Appellant/Insurance Company, the 1st respondent/1st claimant and 2nd respondent/2nd claimant are permitted to withdraw the same together with interest accrued thereon, less the amount already withdrawn if any, by filing suitable application before the Tribunal.

8. This Civil Miscellaneous Appeal stands Partly Allowed with the above observations. No costs. Consequently, connected civil miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-IV)

//True copy//

Sub Assistant Registrar

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To:

1. The Special District Judge,
Motor Accidents Claims Tribunal,
Villupuram.
2. The Section Officer,
Vernacular Section,
Madras High Court.

+1cc to Mr.S.Silambu Selvam, Advocate SR.No.22625

+1cc to Mr.R.Sivakumar, Advocate SR.No.22384

C.M.A.No.2133 of 2019

SSD(CO)
GMY(09/11/2021)