



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.04.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.2547 of 2019

1. A.Settu,
S/o.late Arumugam
2. S.Sasi,
W/o.A.Settu
3. S.Raghunath,
S/o.A.Settu

...Appellants/Claimants

Vs.

1. Sri Ram Tubewells,
represented by its Managing Partner
K.Selvamani,
No.151-B1, Kollapatty Village,
Animoor Post, Thiruchengode Taluk,
Namakkal District.
(1st respondent exparte before the Trial Court.
Notice may be dispensed with)
2. National Insurance Co. Ltd.,
represented by its Branch Manager,
No.81-D, North Car Street,
Second Floor, Thiruchengode - 637 211.

... Respondents/Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree dated 24.01.2019 made in M.C.O.P.No.629 of 2014, on the file of the Motor Accidents Claims Tribunal, I Additional District and Sessions Court, Vellore.

For Appellants : Mr.P.Satheesh Kumar
For R1 : Set exparte
For R2 : Mr.J.Chandran

JUDGMENT

The claimants are the appellants in this appeal. They have sought for enhancement of compensation awarded by the Motor Accidents Claims Tribunal (Additional District Judge, Fast Track Court-I, Erode) in M.C.O.P.No.169 of 2007.



2. This is a tragic case of one young man aged about 22 years who met with a fatal accident and died on 15.04.2014, just one day before he was to attend an interview in Samsung Industrial Recruitment (Samsung group of companies). The Tribunal has considered notional income of Rs.6,500/- and was awarded compensation of Rs.8,99,130/- to his parents and brother.

3. Though there is no basis on why the Tribunal has restricted the notional income of the deceased as Rs.6,500/-, it is assumed that the Tribunal has taken the same figure from the decision of the Hon'ble Supreme Court in Syed Sadiq Vs. United India Insurance Co. Ltd., (2014) 2 SCC 735, where the Court considered a notional income of a vegetable vendor as Rs.6,500/- in the year 2008.

4. The fact that the deceased was to be employed as an electrical engineer in Samsung Group of Companies is not in dispute. He was at the threshold of earning independent income. It would be therefore fair to conclude that the deceased would have earned a notional income of Rs.12,500/- per month for the purpose of awarding compensation. Accordingly, the compensation claimed by the appellants/claimants is to be enhanced.

5. Therefore, the compensation awarded by the Tribunal is re-quantified/recomputed as follows:-

Heads and Calculation	Amount
Loss of earning capacity:-	
Monthly Income : Rs.12,500/-	
Add: Future Prospects at 40 % (12,500 x 40/100) : Rs. 5,000/-	
----- : Rs.17,500/-	
Less: Personal Expenses 1/2 nd (17,500 x 1/2) : Rs. 8,750/-	
----- : Rs. 8,750/-	
Annual Contribution to the family (8,750 x 12) : Rs.1,05,000/-	
Multiplier 18 (1,05,000 x 18) : Rs.18,90,000/-	Rs.18,90,000/-
Loss of filial consortium to the 1 st & 2 nd appellants (40,000 x 2)	Rs. 80,000/-

