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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2021

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THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.Nos.1649 & 1652 of 2020

and

C.M.P.Nos.12157 & 12159 of 2020

C.M.A.No.1649 of 2020

The Branch Manager,
Cholamandalam MS General Insurance
Company Limited,
Tirupattur Branch,
No.46, Pudupet Main Road,
Opp. To IDBI Bank,
Tirupattur, Vellore District.

... Appellant/2nd Respondent in both CMA

Vs.

1.Kavitha

2.Krishnamurthy

3.B.Vignesh

... Respondents 1 & 2/Petitioner

... 3rd Respondents/1st Respondent

C.M.A.No.1652 of 2020

The Branch Manager,
Cholamandalam MS General Insurance
Company Limited,
Tirupattur Branch,
No.46, Pudupet Main Road,
Opp. To IDBI Bank,
Tirupattur, Vellore District.

... Appellant

Vs.

1.Meganathan

2.Sivaranjani

3.B.Vignesh

... Respondents 1 & 2/Petitioner

... 3rd Respondents/1st Respondent

Prayer in C.M.A.No.1649 of 2020: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree dated 30.01.2020 made in M.C.O.P.No.1114 of 2018 on the file of the Motor Accidents Claims Tribunal, Special District Court for Motor Accident Claims Cases, Krishnagiri.



Prayer in C.M.A.No.1652 of 2020: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree dated 30.01.2020 made in M.C.O.P.No.1113 of 2018 on the file of the Motor Accidents Claims Tribunal, Special District Court for Motor Accident Claims Cases, Krishnagiri.

For Appellant : Mr.E.Rajadurai
(in both C.M.As) for M/s.M.B.Gopalan Associates
For Respondents :
For R1 & R2 : Mr.Jagadeesan
(in both C.M.As)
R3 : Exparte (Both CMA)

COMMON JUDGMENT

By this common judgment, both these appeals are being disposed of.

2. In these appeals, the respective appellant/insurance company has challenged the amounts awarded by the Tribunal in M.C.O.P.Nos.1114 & 1113 of 2018.

3. The impugned Judgment and decree in M.C.O.P.No.1114 of 2018 has been challenged in C.M.A.No.1649 of 2020. The Tribunal has awarded a sum of Rs.14,75,000/- as compensation as detailed below:-

Sl.No.	Heads of Compensation	Amount Awarded by the Tribunal
1.	Loss of Dependency	Rs.13,60,800/-
2.	Loss of Estate	Rs. 15,000/-
3.	Funeral Expenses	Rs. 15,000/-
4.	Love and Affection	Rs. 30,000/-
5.	Ambulance Bill	Rs. 24,200/-
6.	Hospital Bill	Rs. 30,000/-
	Total	Rs.14,75,000/-

4. The amount awarded by the Tribunal appears to be Just and reasonable compensation. Under these circumstances, I do not find any merits in C.M.A.No.1649 of 2020 and is accordingly dismissed.



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5. The impugned Judgment and decree passed in M.C.O.P.No.1113 of 2018 has been challenged in C.M.A.No.1652 of 2020. The Tribunal has awarded slightly higher compensation to the claimants ignoring the decision of the Hon'ble Supreme Court in *Kishan Gopal and another Vs Lala and others*, 2013 ACJ 2594.

6. Therefore, the compensation awarded by the Tribunal in M.C.O.P.No.1113 of 2018 is recomputed as follows:-

Sl. No.	Heads of Compensation	Amount awarded by the Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted or reduced
1.	Towards Pecuniary Loss	Rs.7,80,000/-	Rs.5,00,000/-	Reduced
2.	Towards Love and Affection	Rs.2,00,000/-	Rs. 80,000/- (Rs.40,000/- each)	Reduced
3.	Towards Loss of Estate	Rs.1,00,000/-	Rs. 15,000/-	Reduced
4.	Towards Funeral Expenses	Rs. 15,000/-	Rs. 30,000/-	Enhanced
Total		Rs.10,95,000/-	Rs.6,25,000/-	Reduced to Rs.4,70,000/-

7. In the result, the appellant/insurance company in C.M.A.Nos.1649 and 1652 of 2020 is therefore directed to deposit the compensation awarded by the Tribunal and the reduced amount of Rs.6,25,000/- 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. Therefore, the appeal filed by the appellant/Insurance Company in C.M.A.No.1652 of 2020 is partly allowed.

8. On such deposit being made by the appellant/insurance company in both the appeals, the 1st and 2nd respondents/1st and 2nd claimants 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. No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

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Sd/-
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

arb

To:

1.The Motor Accidents Claims Tribunal,
Special District Court, Krishnagiri.

2.The Section Officer,
Vernacular Section,
Madras High Court.

+2CCs to Mr.Mukund R.Pandiyan, Advocate, SR.No.24784,24785

C.M.A.Nos.1649 & 1652 of 2020
and
C.M.P.Nos.12157 & 12159 of 2020

SR II(CO)
B.VC (16/09/2021)