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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2021

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.No.2981 of 2014

1.Annadurai

2.Madhammal

...

Appellants/Petitioners

Vs

1.V.Vajiram

2.Royal Sundaram Alliance Insurance Company Limited,
Sundaram Towers,
45 & 46, Whites Road,
Chennai-600 014.

...

Respondents/Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 21.05.2008 made in MCOP.No.452 of 2006 on the file of the Motor Accident Claims Tribunal cum Additional District Judge, Dharmapuri.

For Appellants : Mr.M.Selvam

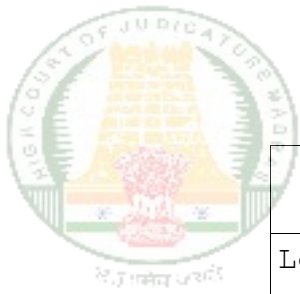
For Respondent 2: Mr.K.Vinod

JUDGMENT

This appeal has been filed by the claimants seeking enhancement of compensation under the impugned award dated 21.05.2008 passed by the Motor Accident Claims Tribunal (Additional District Judge, Dharmapuri) in MCOP.No.452 of 2006.

2. The Appellants / claimants who are the parents of the deceased Singaravelan unsatisfied with the quantum of compensation awarded by the Tribunal have preferred this appeal seeking for enhancement.

3. The details of the compensation awarded by the Tribunal to the Appellants/claimants are as follows:



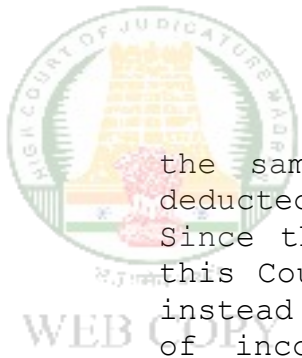
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Heads	Award Amount (Rs.)
Loss of income	1,60,000/- (15,000 - 1/3 rd = 10000 x 16)
Transportation charges	2,000/-
Loss of love and affection	20,000/-
Funeral expenses	3,000/-
Medical expenses	2,597/-
Total	1,87,597/-

4. The deceased Singaravelan was a +2 student, aged 17 years at the time of the accident which happened on 15.01.2006 which resulted in his death. The accident was caused by a vehicle insured with the second respondent Insurance Company. The cause of the accident has not been disputed by the respondents before the Tribunal.

5. The only question that arises for consideration in this appeal is whether the Appellants/claimants are entitled for any enhancement of compensation or not.

6. In the claim petition, the Appellants/claimants have pleaded that in addition to being a +2 student, the deceased was assisting the Appellants/claimants who are his parents in their agricultural operations. The Tribunal has erroneously fixed the annual income of the deceased at Rs.15,000/-. This court is of the considered view that if the Tribunal has given due consideration to the year of the accident, it ought to have fixed the notional monthly income of the deceased at a higher sum. After giving due consideration to the claim petition as well as the year of the accident, this Court set asides the fixation of annual income of the deceased by the Tribunal at Rs.15,000/- and fixes the notional monthly income of the deceased at Rs.2,000/-. The Tribunal has erroneously failed to award any compensation towards loss of future prospects to the Appellants/claimants which they are legally entitled to. Since the deceased was aged 17 years at the time of the accident, in accordance with settled law this Court awards a compensation at 40% towards loss of Future Prospects to the Appellants/claimants. The Tribunal has erroneously adopted a wrong multiplier of 16, whereas the correct multiplier to be adopted is 18 as the deceased was aged 17 years at the time of the accident and accordingly, this Court modifies



the same at 18 instead of 16. The Tribunal has erroneously deducted $1/3^{\text{rd}}$ towards the personal expenses of the deceased. Since the deceased was a bachelor at the time of the accident, this Court deducts 50% towards personal expenses of the deceased instead of $1/3^{\text{rd}}$ as fixed by the Tribunal. Accordingly, the loss of income of the deceased is reassessed by this Court at Rs.3,02,400/- as detailed as follows: $(2000 + 40\% = 2800 \times 12 \times 18 = 6,04,800 - 50\% = 3,02,400/-)$.

7. The Tribunal has erroneously awarded Rs.20,000/- towards loss of love and affection and Rs.3,000/- towards funeral expenses which has to be necessarily enhanced to as it is not in accordance with law and the same is enhanced to Rs.50,000/- and Rs.15,000/- respectively.

8. The Tribunal has erroneously failed to award any compensation towards loss of estate which the Appellants/claimants are legally entitled to as per the settled law. Accordingly, this Court awards a compensation of Rs.15,000/- towards loss of estate.

9. The Tribunal has awarded a compensation of Rs.2,000/- towards transportation and the same is confirmed by this court as the same is a just compensation.

10. The Tribunal has awarded a compensation of Rs.2,597/- towards medical expenses which is supported by medical bills and the same is confirmed by this Court.

11. For the foregoing reasons, the compensation awarded by the Tribunal is enhanced from Rs.1,87,597/- to Rs.3,87,000/- in the following manner:

Heads	Amount awarded by the Tribunal (Rs.)	Amount awarded by this Court (Rs.)
Loss of income	1,60,000/- $(15,000 - 1/3^{\text{rd}} = 10000 \times 16)$	3,02,400/- $(2000 + 40\% = 2800 \times 12 \times 18 - 50\%)$
Transportation charges	2,000/-	--
Loss of love and affection	20,000/-	50,000/-
Funeral expenses	3,000/-	15,000/-
Medical expenses	2,597/-	2,597/-



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Heads	Amount awarded by the Tribunal (Rs.)	Amount awarded by this Court (Rs.)
Loss of estate	--	15,000/-
Total	1,87,597/-	3,86,997/-
Rounded off to	--	3,87,000/-

12. In the result, this civil miscellaneous appeal is partly allowed by enhancing the compensation from Rs.1,87,597/- to Rs.3,87,000/-. The respondents are jointly and severally directed to deposit the enhanced award amount of Rs.3,87,000/-, after deducting the amount already deposited if any, together with interest from the date of claim till the date of deposit and costs to the credit of MCOP.No.452 of 2006 within a period of four weeks from the date of receipt of a copy of this Judgement. On such deposit being made, the Tribunal shall transfer the respective share of award amount lying to the credit of MCOP.No.452 of 2006 to the bank account of the Appellants/claimants as per the ratio apportioned by the Tribunal through RTGS within a period of one week thereafter. No costs.

Sd/-

Assistant Registrar(CS-VI)

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Sub Assistant Registrar

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To

1. The Additional District Judge,
Dharmapuri.

2.The Section Officer,
V.R.Section, High Court of Madras.

+1cc to Mr.M.Selvam, Advocate SR.No.56358

+1cc to M/s.Elveera Ravindran, Advocate SR.No.56269

C.M.A.No.2981 of 2014

AD(CO)

CB(28/12/2021)