



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.NO.3807 OF 2019

(THROUGH VIDEO CONFERENCING)

1.S.Sundari

2.R.Subramanian

... Appellants/
Petitioners

Vs.

1. S.Tamilarasi

(1st respondents wa set-exparte
before the Tribunal)

2. National Insurance Company Limited,
Divisional Office, Court Road,
Thiruppur - 641 018.

... Respondents/
Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the decree and judgment dated 13.04.2018 made in M.C.O.P.No.599 of 2015, on the file of the Motor Accident Claims Tribunal, Subordinate Judge, Sathyamangalam.

For Appellant : Mr.R.Nalliyappan

For R1 : No Appearance

For R2 : Mr.J.Chandran

JUDGMENT

The claimants are the appellants. They are aggrieved by the impugned Judgment and Decree dated 13.04.2018 passed by the Motor Accident Claims Tribunal, (Subordinate Judge), Sathyamangalam in M.C.O.P.No.599 of 2015.

2. By the impugned judgment and decree, the Tribunal has awarded a sum of Rs.7,61,500/- as compensation together with interest at 7.5% p.a. from the date of claim petition till realisation to the appellants who are the mother and father of the deceased Kousalya.



3. The break up of the amount awarded by the Lower Court are summarised below:-

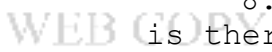
S.No.	Heads	Amount awarded by the Tribunal
1	Permanent disability	Rs. 6,48,000/-
2	Loss of love and affection	Rs. 80,000/-
3	Funeral Expenses	Rs. 15,000/-
4	Loss of Estate	Rs. 15,000/-
5	Transport charges	Rs. 3,500/-
6	Loss of amenities due to disability	Rs. 25,000/-
Total		* Rs. 7,61,500/-

4. According to the appellants, on 19.03.2015 at about 08.45 a.m, while the deceased Kousalya was travelling as a passenger in Ashok Leyland Bus bearing registration No.TN-63-AX-3699 along with other passengers, on the right side at Keelakottai Vilakku Bus stop, Tata Ace belonging to the 1st respondent insured with the 2nd respondent Insurance Company was driven by its driver in a rash and negligent manner and hit the deceased, as a result of which, she died on the spot. Therefore, a claim petition was filed by the appellants for compensation as the dependents of the deceased. The Tribunal after considering the evidence on record has awarded the aforesaid compensation. The appellants are aggrieved by the amount of compensation and have therefore come up with this appeal for the enhancement of compensation.

5. The learned counsel for the 2nd respondent Insurance Company submits that the impugned judgment and decree passed by the Tribunal is well reasoned and requires no interference and prayed for dismissal of this appeal.

6. Heard the learned counsel for the appellants and the learned counsel for the 2nd respondent Insurance Company. I have perused the impugned judgment and decree passed by the Tribunal and the evidence on record.

7. The Tribunal has awarded a sum of Rs.7,61,500/- as compensation to the appellants/claimants. The Tribunal has considered a notional income of the deceased as Rs.6,000/- per month against Rs.20,000/- per month given before the Tribunal. It is further submitted that the deceased was aged about 19 years and was studying IInd Year Bio Chemistry. In my view, the Tribunal has considered a very low amount of Rs.6,000/- as notional income of the deceased for awarding compensation. I am



8. The compensation of Rs.7,61,500/- awarded by the Tribunal is therefore re-quantified as follows:-

* Rounded off to Rs.15,50,000/-

10. On such deposit, the 1st and 2nd appellants / claimants are permitted to withdraw their respective shares together with interest thereon and proportionate costs as directed by the



Tribunal, less any amount already withdrawn, by filing suitable applications before the Tribunal. However, there were no interest during the period of 299 days in preferring this appeal in terms of the decision of this Hon'ble Court in CMP.No.17053 of 2019.

11. Accordingly, this Civil Miscellaneous Appeal is disposed with the above observations. No costs.

Sd/-
Deputy Registrar(TNMCC)

//True Copy//

Sub Assistant Registrar

drl

To:

1. The Motor Accidents Claims Tribunal,
Subordinate Judge, Sathyamangalam

+1cc to Mr.J.Chandran, Advocate, S.R.No.25096

C.M.A.No.3807 of 2019

SSN(CO)
CS/25/10/2021