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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2022

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.M.A.No.2012 of 2019

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C.M.P.No.7163 of 2019

The National Insurance Company Ltd.,
Branch Office, 1st Floor, Nireesh Complex,
910, Cuddalore Main Road,
Attur Post, Salem District,
Having its Divisional Office and Service Office
at National Insurance Co.Ltd.,
Divisional Office. II,
Ramakrishna Road,
Opposite to Tamil Nadu State
Transport Corporation Limited,
Salem - 7.

...Appellant/2nd Respondent

Vs

1.Krishnaveni @ Krishnaveni Ramasamy

2.R.Ramasamy @ Ramar Ramasamy ...1st and 2nd Respondents/
1st and 2nd Petitioners

3.R.Elavarasu ... 3rd Respondent/ 1st Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgement and Decree dated 27.07.2018 and made in M.C.O.P.No.205 of 2014 on the file of the Court of the Special District Judge, MCOP Tribunal, Salem.

For Appellant : Mr.S.Vadivel

For Respondents : Mr.H.Manojin
Legal Aid Counsel



JUDGEMENT

The Insurance Company has challenged the award passed by the Motor Accident Claims Tribunal (Special District Judge), Salem in M.C.O.P.No.205 of 2014, wherein, the Tribunal below has awarded a sum of Rs.14,30,000/- towards the death of the 12 year old minor boy, Sanjithram. The parents are the claimants. The deceased boy was studying in the 6th std.

2. The learned counsel appearing on behalf of the Insurance Company would submit that in the decision of the Hon'ble Supreme Court reported in 2013 (2) TN MAC 358 - Kishan Gopal & another Vs. Lala and others, the Hon'ble Supreme Court had passed a consolidated award of a sum of Rs.5,00,000/- for the death of boy aged 10 years. He would submit that in the instant case, the deceased boy was aged 12 years and therefore the Tribunal below erred in granting such a huge amount as compensation and ought to have only granted compensation of Rs.5,00,000/-.

3. Per contra, the learned counsel appearing for the respondent would submit that the Tribunal below has taken into account the documents filed by the claimants to show the exemplary characteristics of the deceased child who was not only sportsman (Swimming) but also excelled in Computer skills, Mathematics, language etc., Therefore, the Tribunal below has rightly awarded the compensation amount of Rs.14,30,000/-.

4. Heard the learned counsel and perused the records.

5. Admittedly, the deceased was aged about 12 years. The Hon'ble Supreme Court in the case relied upon by the Insurance company had awarded only a consolidated sum of Rs.5,00,000/-. The said order has been passed in the year 2013. Taking into account the increase in the cost of living index, the compensation payable for the death of the minor boy is fixed at a sum of Rs.8,00,000/-, together with interest at 7.5% per annum from the date of the petition till the date of payment.

6. The Civil Miscellaneous Appeal is partly allowed. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

SD/-

ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR



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To

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- 1.The Motor Accident Claims Tribunal,
Special District Judge,
Salem.
- 2.The Secretary,
Tamil Nadu State Legal Services Authority,
High Court, Madras.

Copy to

The Section Officer,
VR Section, High Court,
Madras-104.

+1cc to M/s.S.Vadivel, Advocate Sr.13705
+1cc to M/s.H.Manojin, Advocate Sr.13867

C.M.A.No.2012 of 2019

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