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C.M.A.No.2748 of 2022

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MS.JUSTICE R.N.MANJULA

C.M.A.No.2748 of 2022

and

C.M.P.No.21445 of 2022

M/s.Reliance General Insurance Company Limited,
Represented by its Branch Manager,
Motor Third Party Claims Cell,
No.6, Haddows Road, Reliance House,
6th Floor, Chennai – 600 006.

...Appellant

Vs.

1.Gangammal
2.Rekha
3.Revathi
4.Rajesh
5.Thenmozhi(Minor)
6.Monisha (Minor)
(Respondents 5 & 6 are minors rep.
By Mother and NF 1st respondent)

7.M/s.Magnum Clothing Pvt. Ltd.,
No.79, Thuluka Street,
Kundrathur, Chennai – 600 069.

...Respondents



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Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree in M.C.O.P.No.132 of 2012 dated 28.10.2021 on the file of the Motor Accident Claims Tribunal, Additional District Court, Chengalpattu.

For Appellant : M/s.M.B.Raghavan for
M/s.M.B.Gopalan Associates

J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

The Insurance Company is on appeal. Challenge in the appeal is to the award of the Motor Accident Claims Tribunal / Additional District Court, Chengalpattu made in M.C.O.P.No.132 of 2012.

2.The claimants had sought for compensation for the death of the son of the 1st claimant and the brother of the claimants 2 to 6 in a motor accident that occurred on 13.01.2014. Though the claimants sought for Rs.20,00,000/- as compensation, the Tribunal, on evidence, found that they would be entitled to a sum of Rs.28,55,900/-. The Tribunal took the monthly notional income of the deceased at Rs.12,000/-, added future prospects at 40%, adopted a multiplier of 17 and after deducting 1/4 towards personal expenses, arrived at the total loss of income at Rs.25,70,400/-. Adding



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conventional damages, the Tribunal arrived at the total compensation at

Rs.28,55,900/-.

3.Mr.M.B.Raghavan, learned counsel appearing for the appellant / Insurance Company would submit that deduction of 1/4 in case of a bachelor is on the lower side and normally it is 1/2. Though we find some force in the submission of the learned counsel, we are unable to accept his submission in as much as the deceased has left behind atleast five sisters, two of whom are minors. The father of the deceased is also no more. The deceased, being the eldest of the siblings, would have been a sole bread winner of the family. We are therefore, unable to fault the Tribunal for applying the deduction of 1/4 on the peculiar facts and circumstances. This Civil Miscellaneous Appeal therefore, fails and it is accordingly, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M.,J.) (R.N.M.,J.)

14.12.2022

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Internet:Yes/No

Index:Yes/No

Speaking/Non-speaking order

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R.SUBRAMANIAN, J.
and
R.N.MANJULA, J.

KKN

To:-

The Motor Accident Claims Tribunal,
Additional District Court,
Chengalpattu.

C.M.A.No.2748 of 2022
and
C.M.P.No.21445 of 2022

14.12.2022