



C.M.A.No.2733 of 2014

WEB COPY IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 22.09.2022

CORAM:

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.M.A.No.2733 of 2014

1.K.Saroja

2.K.Madhavan

3.K.Mathialagan

...Petitioners/Appellants

Vs.

1.R.Balasubramaniam

2.The Royal Susndaram Alliance
Insurance Company Limited

Sundaran Towers,

No.45 and 46,

Whites Road,

Chennai – 600 014.

... Respondents



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Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act against the Award and Decree dated 12.01.2012 in M.C.O.P.No.1254 of 2009 on the file of the learned Additional District Judge, Motor Accidents Claims Tribunal, Krishnagiri.

For Appellants : Mr.Mukund R. Pandiyan

For Respondents : Mr.E.Rajadurai
for Mr.N.Vijayaraghavan for R2

R1 – Served – No appearance

JUDGMENT

The above appeal is filed by the claimants in M.C.O.P.No.1254 of 2009 on the file of the learned Additional District Judge, Motor Accidents Claims Tribunal, Krishnagiri, seeking enhancement of the award.

2.The petitioners had filed the claim petition seeking compensation of a sum of Rs.25lakhs for the death of one V.Kannan,



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the husband of the 1st petitioner and the father of the petitioners 2 and 3 in a road accident. The said Kannan was aged about 75 years at the time of death. It is their case that the deceased was a Partner in a firm and earning over a sum of Rs.2 lakhs per month.

3.The 2nd respondent Insurance Company alone had contested the said petition. The Tribunal had held the driver of the 1st respondent's vehicle to be responsible for the accident and proceeded to award a sum of Rs.4,42,000/- as compensation. The Tribunal had taken the monthly income of the deceased at Rs.10,000/- after considering Ex.P.5 to Ex.P.7 – Income Tax return statements and taking into account his age, a multiplier of 5 was adopted and 1/3rd was deducted towards personal expenses. The petitioners are aggrieved by the amounts granted under various heads.

4.The learned counsel for the 2nd respondent/Insurance Company would submit that the Award granted is reasonable since the petitioners



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have not suffered any loss of income as the business was being continued and considering the fact that the accident had taken place in the year 2008, the amount granted under various heads were in order.

5.Heard the learned counsel appearing on either side and perused the papers.

6.As regards the amount granted under the head of loss of dependency the same is reasonable and does not require reconsideration and likewise the amount under the head of loss of love and affection. The amount granted under the head of loss of consortium is enhanced to a sum of Rs.20,000/- and the amounts under head of loss of estate and funeral expenses is enhanced to a sum of Rs.10,000/- each. The Tribunal has granted interest of only 6% per annum which is enhanced to be a sum of Rs.7.5% per annum. Therefore, taking into consideration the above aspects, the modified



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amount is as follows:

S.No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted or reduced
1.	Loss of dependency	Rs.3,99,000/- -	Rs.3,99,000/-	Confirmed
2.	Loss of consortium	Rs.13,000/-	Rs.20,000/-	Enhanced
3.	Loss of love and affection	Rs.20,000/-	Rs.20,000/-	Confirmed
4.	Loss of estate	Rs.5,000/-	Rs.10,000/-	Enhanced
5.	Funeral expenses	Rs.5,000/-	Rs.10,000/-	Enhanced
	Total	Rs.4,42,000/- -	Rs.4,59,000/-	

7. Accordingly, this Civil Miscellaneous Appeal is allowed. The 2nd respondent/Insurance Company is directed to deposit the entire amount, less the amount already deposited, with proportionate accrued interest and costs, to the credit of M.C.O.P.No.1254 of 2009 on the file of the learned Additional District Judge, Motor Accidents Claims Tribunal, Krishnagiri, within a period of six weeks from the date of



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receipt of a copy of this order, if not deposited earlier. On such deposit, the appellants are permitted to withdraw the entire award amount with proportionate accrued interest and costs as apportioned by the Tribunal, by making necessary applications.

The claimants are directed to pay the Court fee for the compensation amount, if required. The Tribunal below shall not disburse the amount till such time as proof of payment of Court Fee has been produced by the claimants. No costs.

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Index : Yes/No
Internet : Yes/No
Speaking order / Non speaking order
mps

To

The Additional District Judge,
Motor Accidents Claims Tribunal,
Krishnagiri.



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P.T. ASHA, J,

mps

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