



C.M.A.No.2559 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2022

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.M.A.No.2559 of 2022

1.Ramesh

2.Sasi

...Appellants

Vs

1.The Proprietor,
Sri Lakshmi Devi Transports,
No.7, Jagadevi Village & Post,
Bargur Taluk,
Krishnagiri – 635 203.

2.The Manager,
National Insurance Co. Ltd.,
Branch Office, 3rd Floor,
Anuradha Complex, Bangalore Road,
Opp. To Raja Theatre,
Krishnagiri – 635 001.

... Respondents

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Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgement and Decree dated 20.10.2021 made in M.C.O.P.No.296 of 2021 on the file of the Motor Accident Claims Tribunal and Special District Court for Motor Accident Claims Cases, Krishnagiri.

For Appellants : Mr.S.P.Yuvaraj
For Respondent 1: No Appearance
For Respondent 2: Mr.J.Michael Visuvasam

JUDGEMENT

The petitioners have filed the above Civil Miscellaneous Appeal seeking enhancement of the award passed by the Motor Accident Claims Tribunal, Special District Court for Motor Accident Claims Cases, Krishnagiri, in M.C.O.P.No.296 of 2021.



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4. The learned counsel for the 2nd respondent / Insurance Company would submit that Rs.15,000/- was on the higher side and that the award appears to be fair and reasonable. Therefore, the learned counsel would plead that the award passed by the Tribunal may be confirmed.

5. Heard the learned counsels and perused the records.

6. The deceased is stated to be a painter and this fact has not been refuted by the Insurance Company. Therefore, the notional income of Rs.13,000/- can be adopted, to this 40% has to be added towards future prospects. Therefore, the monthly notional income would be a sum of Rs.18,200/- and the annual income would be Rs.2,18,400/-. To the said amount, 50% has to be deducted towards personal expenses. Taking into account the age of the deceased, appropriate multiplier to be adopted is 18. Therefore, the amount under the head of loss of



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dependency would be a sum of **Rs.19,65,600/-**. The amounts granted under the other heads remain unaltered.

7. Therefore, the total compensation would stand enhanced to a sum of **Rs.20,75,600/-**. The Tribunal has fastened 20% liability on the deceased. Therefore, the Insurance Company shall be liable to pay a sum of **Rs.16,60,480/-** together with interest at 7.5% p.a., from the date of the petition till the date of realization of the award.

8. The award of the Tribunal below is re-worked as follows:

<i>Heads</i>	<i>Award of the Tribunal</i>	<i>Award of the High Court</i>
Loss of Dependency	Rs.13,60,800/-	Rs.19,65,600/-
Loss of Estate	Rs.15,000/-	Rs.15,000/-
Funeral Expenses	Rs.15,000/-	Rs.15,000/-
Loss of Consortium	Rs.80,000	Rs.80,000
Total	Rs.14,70,800/-	Rs.20,75,600/-
Total after deducting 20% contributory negligence	Rs.11,76,640/-	Rs.16,60,480/-



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9. The Insurance company is directed to deposit the enhanced award amount along with interest and costs, less the amount already deposited within a period of six weeks from the date of receipt of a copy of this Judgement, to the credit of M.C.O.P.No.296 of 2021. On such deposit, the appellants are permitted to withdraw the award amount, after adjusting the amount, if any, already withdrawn, by filing necessary application before the Tribunal. The appellants are permitted to withdraw the entire award amount. The appellants shall show proof of payment of the Court fees and only on such proof they shall be permitted to withdraw the amounts deposited.

10. In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

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Index : Yes/No
Speaking order/non-speaking order

To,

The Motor Accident Claims Tribunal,
Special District Court for Motor Accident Claims Cases,
Krishnagiri.



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P.T.ASHA, J.,

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