



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN

C.M.A.No.135 of 2017

1.Pushpa

2.Ramachandran

... Appellants

Vs.

1.M.Chandrasekaran

(No relief sought against the 1st respondent.
Hence notice may be dispense with)

2.M/s.Bharti AXA General Insurance Company Ltd.,
Metro Plaza, 2nd Floor,
No.162, Anna Salai,
Chennai - 2 .

... Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 to enhance the award passed in Judgment and Decree dated 02.06.2016 made in M.C.O.P.No.113 of 2012 on the file of the Motor Accident Claims Tribunal, Principal District Judge, Chengalpattu, Kancheepuram District.

For Appellants : Mr.C.Prabakaran

For Respondent-2 : Ms.K.Poomalai

J U D G M E N T

This Civil Miscellaneous Appeal is filed seeking enhancement of compensation granted by award dated 02.06.2016 in M.C.O.P.No.113 of 2012 on the file of the Motor Accidents Claims Tribunal (Principal District Judge), Chengalpattu, Kancheepuram District.

2. The claimants 1 and 2 in M.C.O.P.No.113 of 2012 have filed the present appeal, aggrieved by the compensation granted by Judgement dated 02.06.2016 for the death of their son Dhanasekaran in a motor accident. It must also to be noted that there were two other claimants, namely, the younger sisters of



Tribunal had adopted a multiplier of '18', and determined Rs.4,86,000/- as the compensation payable towards loss of dependency. Further, an amount of Rs.14,000/- was awarded towards funeral expenses and a sum of Rs.1,00,000/- was awarded towards loss of love and affection for the parents. Thus, the Tribunal had granted a total compensation of Rs.6,00,000/-. Aggrieved by that particular amount, the present appeal has been filed.

7. The learned counsel for the appellants stated that the monthly income fixed at Rs.4,500/- requires revision, since the deceased Dhanasekaran was earning a sum of Rs.6,000/- per month. Let me strike a balance and determine the monthly income at Rs.5,000/-. The Tribunal had not granted future prospects, but I would rather grant 40% towards the same. By adding 40% future prospects, the actual monthly income would come to Rs.7,000/-. If 50% is deducted towards personal expenses then the contribution towards the family would be Rs.3,500/- per month. The amount granted towards loss of love and affection for a sum of Rs.1,00,000/- to the parents is to be interfered with and a sum of Rs.40,000/- to each of the parents is granted, totally Rs.80,000/-. Further, a sum of Rs.40,000/- is granted towards loss of estate. I would retain the Funeral Expenses at Rs.14,000/-. Now the actual total compensation payable is as follows:

Loss of dependency	Amounts
Monthly income	Rs.5,000/-
40% to be added as future prospects Rs.5,000 x 40/100	Rs.2,000/-
Total monthly income Rs.5,000 + 2,000	Rs.7,000/-
For the personal expenditure of the deceased 50% to be deducted Rs.7,000 x 50/100	Rs.3,500/-
Monthly contribution to the family Rs.7,000 - Rs.3,500	Rs.3,500/-
Annual contribution to the family Rs.3,500 x 12	Rs.42,000/-
By applying multiplier 18 Rs.42,000 x 18	Rs.7,56,000/-
Head	Amount
Total amount for Loss of dependency	Rs.7,56,000/-
For Funeral Expenses	Rs.14,000/-



For Love and affection	Rs.80,000/-
For Loss of estate	Rs.40,000/-
Total	Rs.8,90,000/-

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8. In the result, this Civil Miscellaneous Appeal is allowed and the compensation awarded by the Tribunal at Rs.6,00,000/- is hereby enhanced to Rs.8,90,000/- together with interest at the rate of 7.5% per annum from the date of filing of the petition till the date of deposit. The other aspects in the order shall remain the same. Out of the compensation, the appellants/claimants are entitled to a sum of Rs.4,45,000/- each. The 2nd respondent-Insurance Company shall deposit the award amount now determined by this Court, along with interest and costs, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this judgment to the credit of M.C.O.P.No.113 of 2012 on the file of the Motor Accident Claims Tribunal, (Principal District Judge), Chengalpattu, Kancheepuram District. On such deposit being made, the Tribunal is directed to transfer the Award amount directly to the Bank account of the Appellant/Claimant through RTGS, within a period of two weeks thereafter. The appellants are directed to pay the necessary Court fee, if any, on the enhanced compensation. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

rsi
To

The Principal District Judge,
Motor Accident Claims Tribunal,
Chengalpattu, Kancheepuram District.

+1cc to M/s.C.Prabakaran, Advocate Sr.12455

C.M.A.No.135 of 2017

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srg 13/04/2022