



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

C.M.A.No.1541 of 2017

Velu

... Appellant/petitioner

Vs.

1.M.Karikalan

[R1 was set ex-parte before the Tribunal.
Hence, notice to R1 dispensed with]

2.National Insurance Co., Ltd.,
Division Office,
No.11/289, Ramakrishna Road,
Salem-7.

... Respondents/Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Award and Decree made in M.A.C.T.O.P.No.109 of 2009, dated 18.12.2014 on the file of the Motor Accidents Claims Tribunal, Subordinate Court, Harur.

For Appellant	:	Mr.C.Munusamy for Mrs.V.Suguna
For R1 Tribunal	:	Set ex-parte before the
For R2	:	Mrs.N.B.Surekha

J U D G M E N T

This Civil Miscellaneous Appeal has been filed by the petitioner against the award passed in M.C.O.P.No.109 of 2009 on the file of the Motor Accidents Claims Tribunal / Sub Court at Harur.

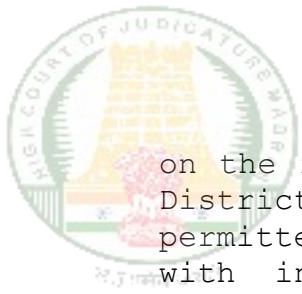
2.The husband, who was aged 21 years is the claimant. He claimed compensation owing to the death of his wife, who was aged 20 years in an accident which took place on 20.02.2006. At the time of the accident the deceased was working as a coolie. In the very same accident, their child aged about 1 ½ years also died. The appellant had independently filed a separate claim petition for that loss to receive compensation.



3. In the present appeal, the award granted for the death of the wife alone is challenged by the husband. Even, according to the appellant, the income of the deceased wife was at Rs.1,500/- per month. She was working as a coolie. That amount had been taken into consideration by the Tribunal and the Tribunal had calculated the annual income at Rs.18,000/-. One half was apportioned for the expenses of the family and the annual income was taken at Rs.9,000/-. The Tribunal had adopted multiplier '16'. I hold the Tribunal should have adopted the proper multiplier of '18'. If it is taken at '18', then the compensation payable is worked out at Rs.1,62,000/- which would be an upward revision from what was granted under the particular head of "loss of income" at Rs.1,44,000/-. It is also seen that towards loss of wife/"love and affection, the Tribunal had granted a sum of Rs.50,000/- and that requires re-examination since Rs.50,000/- is a little excessive from any point of view and an amount of Rs.40,000/- would be appropriate. The funeral expenses at Rs.20,000/- is retained. Thus, the total compensation payable should be at Rs.2,22,000/-.

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 income	Rs.1,44,000/-	Rs.162,000/-	Enhanced
2.	Loss of consortium	Rs.50,000/-	Rs.40,000/-	Reduced
3.	Funeral Expenses	Rs.20,000/-	Rs.20,000/-	Confirmed
	Total	Rs.2,14,000/-	Rs.2,22,000/-	Enhanced by Rs.8,000/-

4. In the result, this Civil Miscellaneous Appeal is partly allowed and the compensation awarded by the Tribunal at Rs.2,14,000/- is hereby enhanced to Rs.2,22,000/- [Rupees Two Lakhs and Twenty Two Thousand only] together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit. The 2nd respondent/Insurance Company is directed to 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 six weeks from the date of receipt of a copy of this judgment to the credit of M.C.O.P.No.1033 of 2013,



on the file of the Motor Accidents Claims Tribunal, I Additional District Court, Cuddalore. On such deposit, the appellant is permitted to withdraw the amount, now awarded by this Court along with interest and costs, less the amount if any, already withdrawn by making necessary applications before the Tribunal. Since, this Court has enhanced the compensation, the appellant/claimant is directed to pay necessary Court fee, if any, on the enhanced compensation. In other aspects, the award of the Tribunal shall stand confirmed. There shall be no order as to costs in the present appeal.

Sd/-

Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

ssi

To

1.The Motor Accidents Claims Tribunal,
The Subordinate Judge,
Harur

Copy to:

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

+lcc to M/s.N.B.Surekha, Advocate SR.No.9434

C.M.A.No.1541 of 2017

GP(CO)

CB(08/04/2022)