



CMA.No.3534 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

CMA.No.3534 of 2019
CMP.No.20636 of 2019

The Branch Manager
National Insurance Company Limited
Trichy Cantonment

Appellant

Vs

1. Panneerselvam
2. Manimegalai
3. D.Purushothaman

Respondents

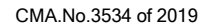
Prayer:- This Civil Miscellaneous Appeal has been filed, against the judgement and decree, dated, 27.09.2018, made in MCOP.No.236 of 2016, by the Chief Judicial Magistrate (MACT) Thiruvarur.

For Appellant : Mr.S.Arunkumar

For Respondents : Mr.M.Thamizavel-RR1 and 2

JUDGEMENT

1. This Civil Miscellaneous Appeal has been filed, against the judgement and decree, dated, 27.09.2018, made in MCOP.No.236 of 2016, by the Chief Judicial Magistrate (MACT) Thiruvarur.
2. The claimant/ Respondents 1 and 2 herein, who are the parents of the deceased, namely, Senthilnathan, has filed the claim petition before the Tribunal, seeking a compensation of Rs.50,00,000/- on various heads, for the death of the deceased, who died in a motor road accident, which took



3. Finding that the accident had occurred only due to the rash and negligent driving of the driver of the offending vehicle, the Tribunal has awarded a total compensation of Rs.19,20,000/-, with interest at 7.5% p.a. from the date of the claim petition till the date of realization, as detailed below:-

S.No	Category	Award Amount (Rs.)
1	Loss of Dependency (1,05,000x18)	1890000.00
2	Funeral Expenses	15000.00
3	Loss of Estate	15000.00
Total Compensation		1920000.00

4. This Court heard the learned counsel on either side, considered their submissions and also perused the entire materials placed on record.
5. Since there is no quarrel over the negligence aspect and the dispute is only with regard to the quantum of compensation, the finding of the Tribunal with respect to the negligence aspect is confirmed and also, it is not necessary to narrate the entire facts in detail in respect of the accident.
6. According to the learned counsel for the Appellant, the monthly income of the deceased arrived at by the Tribunal at Rs.12,500/- is on the higher side and hence, it needs to be reduced. According to the learned counsel for the Respondents 1 and 2, the compensation awarded by the Tribunal is just and



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proper.

7. The deceased was aged 24 years old at the time of the accident.

Considering the avocation of the deceased as a Driver, it would be appropriate to fix the monthly income of the deceased at Rs.11,500/-. After adding 40% towards future prospects, it would come to Rs.16,100/-. After deducting 50% towards personal income and applying the proper multiplier of 18, the loss of total dependency would come to Rs.17,38,800/- (Rs.8,050x12x18). For loss of love and affection, a sum of Rs.40,000/- each to the claimants (Total Rs.80,000/-) is hereby awarded. The compensation awarded under other heads are confirmed.

8. In the result, this Civil Miscellaneous Appeal is partly allowed. In all, the claimants are entitled to a total compensation of Rs.18,48,800/-, (Rupees eighteen lakhs forty eight thousand eight hundred only) with interest 7.5% p.a. from the date of the claim petition till the date of realisation, as detailed below:-

S.No	Category	Award Amount (Rs.)
1	Loss of Dependency	1738800.00
2	Funeral Expenses	15000.00
3	Loss of Estate	15000.00
4	Loss of Love and Affection	80000.00
Total Compensation		1848800.00

The Appellant / Insurance Company is directed to deposit the entire award amount with interest at 7.5% p.a. from the date of the claim petition till the date of deposit, after deducting the amount, if any already, deposited, within a period of six weeks from the date of receipt of a copy of this order. On



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such deposit being made, the claimants 1 and 2 are entitled to withdraw

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Rs.9,00,000/- and Rs.9,48,800/- respectively, with proportionate interest, by filing proper application. No costs. Consequently, the connected MP is closed.

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Index:Yes/No

Web:Yes/No

Speaking/Non Speaking

Srcm

To

1. The Chief Judicial Magistrate (MACT) Thiruvavur.
2. The Record Keeper, VR Section, High Court, Madras

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