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C.M.A No.2761 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM

MR.JUSTICE N.SESHASAYEE

C.M.A.No.2761 of 2023

1.Buvaneshwaran
2.Sasikala

... Appellants

Vs.

1.D.Mahamed Mubarak

2.The Branch Manager,
National Insurance Co., Ltd.,
No.165, Nethaji Road,
Manjakuppam,
Cuddalore - 607 001.

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, seeking to enhance the compensation in MCOP.No.1333 of 2020 dated 16.02.2023 on the file of the Motor Accidents Claims Tribunal / I Additional District and Sessions Judge (FAC), Cuddalore.

For Appellants : Mr.Ramya V.Rao

For Respondents : Mr.R.Prem Chandar for R2



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JUDGMENT

On 27.10.2020, a 23 year old Praveen Kumar, who was employed as a Mechanic in Whirlpool Company, died in a road accident when he was fatally knocked down by the rider of the first respondent's motorcycle. Seeking compensation, his dependants approached the Tribunal in MCOP.No.1333 of 2020. The Tribunal had reckoned the monthly income of the victim notionally at Rs.18,000/-, after adding 40% towards his future prospects, applied 18 as a multiplier and deducted it by 50% as the deceased was a bachelor at the relevant time and arrived at a sum of Rs.27,21,600/- as compensation for loss of income. After adding other conventional heads of compensation, it awarded Rs.28,52,600/- and the breakup is as below:

Sl. No.	Description	Amount awarded by Tribunal (Rs)
1.	Loss of income	27,21,600
2.	Parental consortium	88,000
3.	Funeral expenses	16,500
4.	Loss of estate	16,500
5.	Transportation	10,000



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	charges	
	Total	28,52,600

2.Since the appellants preferred this appeal challenging the quantum awarded by the Tribunal, this Court considers that notice to the first respondent is not necessary.

3.Aggrieved by the perceived inadequacy of the compensation awarded, the claimants are now before the Court seeking enhancement.

4.Heard Ms.Ramya V.Rao, learned counsel for the appellants, and Mr.R.Prem Chandar, learned counsel appearing for the second respondent.

5.This Court weighed the rival submissions, and it finds that the notional income can be increased from Rs.18,000/- to Rs.20,000/-, and adding 40% towards future prospects of the victim, applying 18 as a multiplier, deducting 1/2 towards his personal expenditure, the compensation under the head 'loss of income' is arrived at Rs.30,24,000/-. The amount awarded under other conventional heads are confirmed, and the details



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are as below:

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Sl. No	Description	Amount awarded by Tribunal (in Rs.)	Amount awarded by this Court (in Rs.)	Award confirmed or enhanced or granted
1.	Loss of income	27,21,600	30,24,000 (14,000 x 12 x 18)	enhanced
2.	Parental consortium	88,000	88,000	confirmed
3.	Funeral expenses	16,500	16,500	confirmed
4.	Loss of estate	16,500	16,500	confirmed
5.	Transportation charges	10,000	10,000	confirmed
	Total	28,52,600	31,55,000	enhanced by Rs.3,02,400/-

6.In fine, this appeal stands partly allowed, and the compensation is enhanced from **Rs.28,52,600/-** to **Rs.31,55,000/-**. The second respondent is now required to deposit the entire compensation amount with interest at 7.5% per annum from the date of the claim petition till the date of deposit, less any amount already deposited within a period of six (6) weeks from the date of receipt of a copy of this judgement. On such deposit being made, the appellants are permitted to withdraw the award



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amount, along with proportionate interest and costs as awarded by the Tribunal, less, the amount, if any already withdrawn. The appellants are directed to pay the necessary Court Fee, if any, on the enhanced award amount. No Costs.

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Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

The Motor Accidents Claims Tribunal
/ I Additional District and Sessions Judge (FAC), Cuddalore.

N.SESHASAYEE, J.



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