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CMA No.188 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2023

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CMA No.188 of 2023

1. Jayalakshmi
2. Minor Nagaraj
3. Minor Pazhanimurugan
[Minors/A2 & A3, rep. By their mother
and Next Friend A1]

.. Appellants

Vs.

1. Muthusamy

2. The New India Assurance Co. Ltd.,
B.O.720703,
Rep. By its Branch Manager,
99/C-3, 1st Floor,
Opp. to New Bus Stand,
Perambalur.

.. Respondents

PRAYER: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 to set aside the award passed by the Motor Accidents Claims Tribunal [Principal District Judge], Perambalur, by its decree and judgment dated 28.10.2020 made in MCOP No.618 of 2016.

For Appellants : Mr.C.Vidhusan



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JUDGMENT

Claim petitioners are the appellants herein seeking enhancement of compensation awarded in MCOP No.618 of 2016 on the file of the Motor Accidents Claims Tribunal [Principal District Judge], Perambalur.

2. For the sake of convenience, the parties are hereinafter referred to as per their ranking before the claims tribunal.

3. The factum of the accident, the manner of the accident and the rash and negligence on the part of the driver of the offending vehicle, are not disputed.

4. Heard the learned counsel for the appellants/claims petitioners and perused the materials available on record.

5. Learned counsel for the appellants could contend that the notional income of Rs.7,500/- fixed by the tribunal is on the lower side and



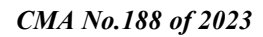
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could further contend that the claim petitioners are entitled for more compensation under the head loss of dependency.

6. The 1st claim petitioner herein is the wife and the claims petitioners 2 and 3, are the children of the deceased. As per Ex.P2 and Ex.P3, the Postmortem and Death certificates, respectively, the age of the deceased is 45 years and accordingly, following the law laid down in Sarla Varma's case [*Sarla Verma and Others Vs. Delhi Transport Corporation, reported in 2009 ACJ 1298*] multiplier '14' is correctly adopted by the claims tribunal.

7. Further, no document is produced to show the income of the deceased and hence, the claims tribunal has rightly fixed Rs.7,500/- as notional income and also granted Rs.1,875/- towards future prospects (i.e.25%) as per Pranay Sethi's case [*National Insurance Company Limited Vs. Pranay Sethi, reported in 2017 (16) SCC 680*], and awarded Rs.10,50,000/- under the head loss of dependency. In addition to the same, the claims tribunal has awarded Rs.15,000/- towards loss of estate,



In all, the claims tribunal has awarded a sum of Rs.11,20,000/- with interest at the rate of 7.5% per annum, from the date of filing of the claim petition till the date of realization, excluding the default period if any. Hence, I find that the award passed by the claims tribunal is just and fair and does not require reconsideration.

8. Therefore, in the absence of any point for admission, I am not inclined to admit the Civil Miscellaneous Appeal and accordingly, the Civil Miscellaneous Appeal stands dismissed at the admission stage itself. No costs.

31.01.2023

Index : Yes/No
Neutral Citation : Yes/No.
ars

To

The Principal District Judge,
Motor Accident Claims Tribunal , Perambalur.



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RMT.TEEKAA RAMAN,J.,

ars

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