



C.M.A.No.332 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Reserved on 20.02.2023	Pronounced on 02.03.2023
---------------------------	-----------------------------

CORAM

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

C.M.A.No.332 of 2023

1.Krishnaveni, W/o.Vasu
2.Vasu, S/o.Ponnusamy

... Appellants

Vs.

1.Shree Lakshmi Narayana Transports,
No.14, Ravathaanallore Colony,
1st Street, Acharapakkam, Madhuranthagam Taluk,
Kancheepuram District 603301.

2.Reliance General Insurance Co. Ltd.,
T.P.Cell, No.6, Reliance House,
Haddow Road,
Nungambkkam, Chennai 600 006.

... Respondents

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Decree and Judgment dated 29.10.2021 made in MCOP.No.2066 of 2019 on the file of the Motor Accident Claims Tribunal-Chief Judge, Court of Small Causes, Chennai.

For Appellants

: Mr.U.Chithambaram

For Respondents

: Mr.P.Suresh Srinivasan (for R2)



C.M.A.No.332 of 2023

J U D G M E N T

WEB COPY

The Appeal has been filed against the Decree and Judgment dated 29.10.2021 made in MCOP.No.2066 of 2019 on the file of the Motor Accident Claims Tribunal-Chief Judge, Court of Small Causes, Chennai.

2.The parents of the deceased V.Manikandan are the Appellants herein and they filed this Appeal, seeking enhancement of compensation awarded in MCOP.No.2066 of 2019 on 29.10.2021.

3.For the sake of convenience, the parties are referred to as per their ranking before the trial Court.

4.The factum of the accident, manner of the accident, rash and negligent driving on the part of the driver of the 1st Respondent's vehicle, insured with the 2nd Respondent are not under challenge in this Appeal. Accordingly, the finding rendered by the trial Court that the accident taken place due to the rash and negligent driving of the driver of the 1st Respondent's vehicle, insured with the 2nd Respondent are hereby confirmed.



C.M.A.No.332 of 2023

WEB COPY

5. During the trial, on the side of the claim Petitioners, PW1 to PW3 were examined & Ex.P.1 to Ex.P.18 were marked and on the side of the Respondents, none was examined no document was marked.

6. Heard the learned counsel appearing on behalf of the claim Petitioners and the learned counsel appearing on behalf of the Insurance Company on the point of quantum of compensation.

7. The parents of the deceased Manikandan have filed the above MCOP.No2066 of 2019, for the death of the deceased in a road traffic accident occurred on 22.03.2019. The wife of the deceased, pre-deceased him.

8. According to PW1/father, the deceased was doing Electric and plumbing work. In this regard, Ex.P.11 was marked. The trial Court has considered the same and fixed the notional income at Rs.10,000/- per month, added 40% towards future prospects of the deceased and applied '18' as multiplier.

9. Though no IT report or bank statement of the deceased was filed to



C.M.A.No.332 of 2023

prove that the deceased was running a business and earned Rs.30,000/- per month, taking into consideration the law laid down by the Hon'ble Apex Court in the case of *Syed Sadiq Vs. United India Insurance Company*, reported in **2014 (1) TNMAC 459**, wherein monthly income was fixed at Rs.6,500/- for a vegetable vendor, who sustained injuries in the accident, which occurred in the year 2008 and the fact that the accident is of the year 2019 in the present case, I am inclined to fix the notional income at Rs.12,000/-, 40% to be added towards future prospects, 50% has to be deduced towards personal expenses and '18' to be applied as multiplier and hence, the pecuniary loss sustained by the claim Petitioners are re-assessed as follows:

$$\text{Rs.12,000/-} + 40\% \text{ of Rs.12,000/-} = \text{Rs.16,800/-}$$

$$\text{Rs.16,800/-} \times 12 \times 18 \times \frac{1}{2} = \text{Rs.18,14,400/-}$$

10.The Tribunal has awarded a sum of Rs.80,000/- towards loss of consortium to the claim petitioners, a sum of Rs.15,000/- towards loss of estate, a sum of Rs.15,000/- towards funeral expenses, which are just and proper and the same are hereby confirmed. In addition, a sum of Rs.10,000/- is awarded towards transportation.



C.M.A.No.332 of 2023

S.No.	Head	Amount (Rs.)
1	Pecuniary loss	1814400
2	Loss of consortium	80000
3	Funeral expenses	15000
4	Loss of Estate	15000
5	Transportation	10000
	Total Compensation	1934400

In total, the claim Petitioners are entitled to a sum of Rs.19,34,400 (Rupees nineteen lakh thirty four thousand four hundred only). The interest awarded by the Tribunal at the rate of 7.5% per annum is hereby confirmed.

11.In fine,

(i) this Civil Miscellaneous Appeal stands partly allowed, enhancing the compensation from Rs.16,22,000/- to Rs.19,34,400/- to the extent indicated above. No Costs.

(ii) the Insurance Company is directed to deposit the enhanced award amount, with interest (excluding the default period of 100 days) and costs before the Tribunal, within a period of eight weeks from the date of receipt of a copy of this order.



C.M.A.No.332 of 2023

(iii) on such deposit being made, the claim Petitioners/Appellants are entitled to get their share in the enhanced award amount, as per the ratio of apportionment made by the Tribunal. The claim Petitioners are permitted to withdraw their share with proportionate interest and costs, less the award amount already withdrawn, if any, by filing necessary application before the Tribunal. Remaining share of the claim Petitioners shall be deposited as per the order made by the tribunal.

(iv) the claim Petitioners are directed to pay the court fee, if any, for the enhanced compensation amount and the Registry is directed to draft the decree only after the receipt of Court fee.

02.03.2023

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

sai

To
The Chief Judge/Motor Accident Claims Tribunal,
Court of Small Causes, Chennai.



WEB COPY



C.M.A.No.332 of 2023

RMT.TEEKAA RAMAN.J,

sai

Pre-delivery Judgment made in

C.M.A.No.332 of 2023

Dated: 02.03.2023