



WEB COPY



CMA No.2941 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 23.01.2023

PRONOUNCED ON : 31.01.2023

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CMA No.2941 of 2022

1. Sagunthala

2. Marisamy

3. Minor Ajith

4. Minor Sakthi

5. Jayaraj

[Minors/A3 & A4, rep. By their mother
and Next Friend A1]

.. Appellants

Vs.

1. Neeraj Grover

2. The National Insurance Company,
No.46, Third Floor,
Moore Street,
Chennai – 60 001.

.. Respondents

PRAYER: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 to enhance the award dated 25.02.2021 passed in MCOP No.3932 of 2017 on the file of the Motor Accident Claims Tribunal [III Court of Small Causes], Chennai.



CMA No.2941 of 2022

WEB COPY

For Appellants : Mr.U.Chithambaram

JUDGMENT

Claim petitioners are the appellants herein seeking enhancement of compensation awarded in MCOP No.3932 of 2017 on the file of the Motor Accident Claims Tribunal [III Court of Small Causes], Chennai.

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 and the manner of the accident, are not disputed.

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

5. The claims tribunal based upon Ex.P12-Driving licence has ascertained the Date of Birth of the deceased as 15.06.1976 and on the date



CMA No.2941 of 2022

WEB COPY

of the accident viz., 04.04.2017, the deceased was aged about 41 years and accordingly, fixed the multiplier as '14' as per Sarla Varma's case [*Sarla Verma and Others Vs. Delhi Transport Corporation, reported in 2009 ACJ 1298*]. Though, the claim petitioner has filed Ex.P6, which is the licence issued by the Central Government for making of snacks and food and claimed that he earned Rs.1,00,000/-, no positive evidence has been let in to prove the alleged income of the deceased. Neither bank statement nor income tax statement to show the income, has been filed before the claims tribunal and hence, the claims tribunal has fixed the notional income of the deceased as as Rs.13,000/- and by following Pranay Sethi's case [*National Insurance Company Limited Vs. Pranay Sethi, reported in 2017 (16) SCC 680*], added 25% of the income towards future prospects and taking into consideration the family members i.e. Five dependants, rightly deducted $\frac{1}{4}^{\text{th}}$ and awarded Rs.20,47,500/- towards loss of dependency. Further, the compensation awarded under other heads are as per the judgment of the Hon'ble Supreme Court and hence, I find that the award passed by the tribunal of Rs.22,87,500/- is just and reasonable.



CMA No.2941 of 2022

WEB COPY

6. 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 III Judge,
Court of Small Causes,
Motor Accident Claims Tribunal , Chennai.



WEB COPY



CMA No.2941 of 2022

RMT.TEEKAA RAMAN,J.,

ars

Pre-delivery Judgment in
CMA No.2941 of 2022

31.01.2023