



Civil Miscellaneous Appeal No.1547 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Civil Miscellaneous Appeal No.1547 of 2024

1.A.Gomathi

2.A.Alaikumar

... Appellants

Vs.

1.M/s.Sri Guru Motors and Travels
No.12, O.M.R Road,
Thiruporur, Kancheepuram - 602 114.

2.Reliance General Insurance Co. Ltd.,
Now at: Residing at No.6, 4th Floor,
Haddows Road, Nungambakkam,
Chennai - 600 006.
Chennai City Centre, 5th Floor, Nos.10 & 11,
Dr.Radhakrishnan Road,
Mylapore, Chennai - 600 004.

... Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 08.09.2022 made in M.C.O.P.No.3552 of 2020 on the file of Motor Accident Claims Tribunal, Chief Judge of Small Causes Court, Chennai.



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For Appellants : Mr.R.Dinesh Kumar

For Respondents : Mr.P.Suresh Srinivasan [R2]

JUDGMENT

The appellants/claimants, who are the parents of the deceased Anusuya, not being satisfied with the quantum of compensation awarded by the Motor Accident Claims Tribunal, Chief Judge of Small Causes Court, Chennai, in M.C.O.P.No.3552 of 2020, dated 08.09.2022, have filed this appeal.

2. The deceased Anusuya was travelling as a passenger in a Eicher Van on 23.10.2020 and the vehicle was proceeding towards Chinna Irumbedu and at about 00.45 hours, the driver of the van applied sudden brake and due to its impact, the van capsized and the deceased sustained grievous injuries resulting in her demise on the spot. It is under these circumstances, the claim petition came to be filed before the Tribunal seeking compensation.



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3. The Tribunal, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the negligence on the part of the driver of the van. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.16,22,000/- under various heads as follows:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of income/dependency	15,12,000/-
2.	Loss of consortium	80,000/-
3.	Loss of estate	15,000/-
4.	Funeral expenses	15,000/-
	Total	16,22,000/-

The above compensation was directed to be paid along with interest at 7.5% p.a.

4. The claimants, not being satisfied with the quantum of compensation awarded by the Tribunal, have filed this appeal seeking compensation.



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5. Heard Mr.R.Dinesh Kumar, learned counsel for appellants/claimants and Mr.P.Suresh Srinivasan, learned counsel for second respondent.

6. This Court carefully considered the submissions made on either side and the materials available on record.

7. This Court also carefully went through the award passed by the Tribunal.

8. The main ground urged by learned counsel for appellants is with regard to the notional monthly income fixed by the Tribunal at Rs.10,000/-. The case of the claimants is that the deceased was aged about 19 years and he was a skilled worker employed in a private company at Puthupakkam and she was earning a sum of Rs.15,000/- p.m. The claimants were not able to produce any material in order to prove the occupation of the deceased or the monthly income earned by her. The Tribunal had fixed the notional monthly income at Rs.10,000/-. Considering the fact that the accident had taken place in the year 2020



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and the occupation of the deceased and the claimants, being the parents dependant on her income, this Court is inclined to fix the notional monthly income at Rs.15,000/- and 40% can be added towards future prospects considering the age of the deceased. Thus, the compensation under the head 'loss of income/dependency' is calculated as follows:

Monthly Income	:	Rs. 15,000/-
Add: Future Prospects	:	Rs. 6,000/-
40% of Rs.15,000/-		-----
		Rs. 21,000/-
Annual Income	:	Rs. 2,52,000/-
(21,000 * 12)		
Less : Personal expenses		
Rs.2,52,000/- * 1/2	:	Rs. 1,26,000/-

		Rs. 1,26,000/-
Multiplier	:	x 18

Loss of income/dependency	:	Rs.22,68,000/-

9. The compensation granted under the other heads is justified and does not require the interference of this Court.



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10. For the foregoing reasons, the compensation awarded by the Tribunal is modified as follows:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount awarded by the Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1.	Loss of income/dependency	15,12,000/-	22,68,000/-
2.	Loss of consortium	80,000/-	80,000/-
3.	Loss of estate	15,000/-	15,000/-
4.	Funeral expenses	15,000/-	15,000/-
	Total	16,22,000/-	23,78,000/-

11. The compensation awarded by the Tribunal at Rs.16,22,000/- is enhanced to Rs.23,78,000/-. The second respondent insurance company is directed to deposit the compensation awarded by this Court, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of six (6) weeks from the date of receipt of this judgment. Insofar as the enhanced compensation of Rs.7,56,000/- is concerned, the appellants/claimants will not be entitled for interest for the period of delay of 418 days as was ordered by this Court in C.M.P.No.5781 of 2024 in C.M.A.Sr.No.30557 of 2024 dated 13.06.2024. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the



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appellants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

10.07.2024

Speaking Judgment/Non-speaking Judgment

Index :Yes/No

Neutral citation: Yes/No

gm

To

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



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N.ANAND VENKATESH, J.

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