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C.M.A.No.1112 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2024

CORAM:

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

CMA.No.1112 of 2024
and C.M.P.No.10140 of 2024

The Branch Manager,
The New India Assurance Co. Ltd.,
No.39C, Bye-Pass Road,
Dharmapuri District - 636 701.

... Appellant

Vs

1. Vijayalakshmi
2. Muniyappan
3. Minor Logesh
(Minor respondent represented by the
next friend / Mother 1st respondent)
4. Thennarasu
(4th Respondent was set exparte in the lower
Court. Hence, notice is dispensed with)

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Award, dated 08.12.2023 in M.C.O.P.340/2021 on the file of the Exclusive Motor Accidents Claims Tribunal, Dharmapuri.

For Appellant : Mr.G.Sukumari
For R1to R3 : Mr.D.Ramesh Kumar



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JUDGMENT

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Questioning the quantum of compensation awarded by the Tribunal, the present appeal is filed by the New India Assurance Company Limited.

2. The deceased in the instant case was a bachelor and the Tribunal, instead of deducting half of his monthly income towards his personal expenses, has deducted '1/3'. Therefore, the quantum of compensation is modified as shown below:

Calculation

Notional Income = Rs.15,000/-

adding 40% Future Prospects = Rs.21,000/-

After 1/2 deduction = Rs.10,500/-

Loss of dependency

= Rs.10,500/- x 12 x 18

= Rs.22,68,000/-

In addition to that the claimants are entitled to Rs.1,20,000/- (40,000/- x 3), Rs.15,000/- and Rs.15,000/- towards Loss of Consortium, Loss of Estate and Funeral Expenses respectively as per the decision in *National*



Insurance Co. vs Pranay sethi and others (cited supra). Thus, the claimants

are entitled to a total compensation of Rs.24,18,000/- (22,68,000 + 1,20,000 + 15,000 + 15,000 = 24,18,000) as shown in the following tabular column:

<i>S.No.</i>	<i>Head</i>	<i>Amount granted by this court</i>
1.	Loss of dependency	Rs.22,68,000 /-
2.	Loss of consortium (Rs.40,000/- x 3)	Rs.1,20,000/-
3.	Funeral expenses	Rs.15,000/-
4.	Loss of Estate	Rs.15,000/-
Total		Rs.24,18,000/-

3. Thus, the compensation awarded by the Tribunal is scaled down to Rs.24,18,000/- from Rs.31,45,000/- which would carry interest at the rate of 7.5% per annum.

4. In the result,

- i. The Civil Miscellaneous Appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.
- ii. The compensation awarded by the Tribunal is scaled down from Rs.31,45,000/- to Rs.24,18,000/-.
- iii. The appellant, New India Assurance Company Limited, is directed to deposit the modified compensation amount i.e., Rs.24,18,000/- (less



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the amount already deposited) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit within a period of four weeks from the date of receipt of a copy of this order / uploading of this order to the credit of M.C.O.P.340/2021 on the file of the Exclusive Motor Accident Claims Tribunal, Dharmapuri.

iv. On such deposit being made, the Respondents / claimants are at liberty to withdraw the same as per the orders passed by the Tribunal after following due process of law. The ratio of apportionment made by the Tribunal shall be kept intact. The share of the minor respondent is directed to be deposited in any one of the Nationalised Bank till they attain majority.

30.08.2024

Index : Yes/No
Speaking / Non-speaking order
vum

To

1. Exclusive Motor Accidents Claims Tribunal,

4/6



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Dharmapuri.

2. The Section Officer,
VR Section, Madras High Court,
Chennai.

R. HEMALATHA, J.

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