



C.M.A.No.2837 of 2021

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 09.07.2024

CORAM

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

C.M.A.No.2837 of 2021

1.Raja
2.Rajeshwari
3.Valli
4.Minor Anitha
5.Minor Nalini
6.Minor Mathan

.. Appellants

Vs

1.P.Sathishkumar
2.The Divisional Manager,
United India Insurance Company Ltd.,
Vellore.

.. Respondents

Prayer: This Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the decree and judgment dated 22.04.2019 passed in M.A.C.T.O.P.No.307 of 2014, on the file of the Motor Accident Claims Tribunal, Special Subordinate Judge, Tirupattur.

For Appellants : Ms.M.Malar

For R2 : Mr.M.J.Vijayaraghavan

R1 – dispensed with



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JUDGMENT

This appeal has been filed by the claimants/appellants seeking for enhancement of compensation for the death of Kathavarayan, as a result of the accident caused by a vehicle insured with the second respondent Insurance Company.

2. The Tribunal, under the impugned award, directed the second respondent Insurance Company to pay the claimants a total compensation of Rs.9,67,230/- as detailed hereunder:-

Loss of dependency	- Rs.8,01,900/-
Love and affection	- Rs.50,000/-
Loss of estate	- Rs.15,000/-
Funeral expenses	- Rs.15,000/-
Medical expenses	- Rs.5,330/-
Parental consortium	- Rs.80,000/-
Total	- Rs.9,67,230/-

3. The primary ground for filing this appeal is that the notional monthly income of the deceased fixed by the Tribunal at Rs.9,000/- is low and therefore, the same has to be enhanced. At the time of the accident, the deceased was aged about 56 years. He was a coolie (labourer). The accident happened in the year 2014. The Tribunal has fixed the notional



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monthly income of the deceased at Rs.9,000/-. This Court is of the considered view that the Tribunal has correctly assessed the monthly income of the deceased, in view of the fact that the deceased was aged about 56 years at the time of the accident and he was a coolie and the year of the accident was 2014. Any person, who is a labour, aged about 56 years, would have earned a sum of Rs.9,000/- per month in the year 2014. This Court does not find any infirmity in the assessment made by the Tribunal in respect of the notional monthly income of the deceased. The Tribunal has also correctly awarded a sum of Rs.8,01,900/- towards loss of dependency, by adopting multiplier '9', as the deceased was 56 years at the time of the accident.

4. The Tribunal has awarded a separate compensation towards loss of love and affection at Rs.50,000/- and another sum of Rs.80,000/- towards parental consortium. Therefore, the claimants cannot contend that the compensation awarded by the Tribunal towards loss of love and affection at Rs.50,000/- is low, as the Tribunal has separately awarded a compensation towards parental consortium as well. The compensation awarded by the Tribunal towards loss of estate at Rs.15,000/-, funeral expenses at Rs.15,000/- and medical expenses at Rs.5,330/-, is also a just



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compensation, which does not call for interference by this Court. The overall compensation awarded by the Tribunal is a just compensation and there is no scope for enhancement by this Court.

For the foregoing reasons, there is no merit in the appeal and accordingly, the Civil Miscellaneous Appeal is dismissed. No Costs.

09.07.2024

Index: yes/no
Neutral citation: yes/no
rkm

To

Motor Accident Claims Tribunal,
Special Sub-Court,
Tirupattur.

ABDUL QUDDHOSE,J.



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