



CMA No.2594 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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CORAM :

THE HONOURABLE **MR.JUSTICE RMT.TEEKAA RAMAN**

C.M.A.No.2594 of 2021
and C.M.P. No.14835 of 2021

Judgment reserved on 08.03.2024	Judgment pronounced on 18.03.2024
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National Insurance Co.Ltd.,
Motor Third Party Claims,
III Floor, 46, Moore Street,
Chennai - 600 001.

..

Appellant

Vs.

1.Mannem Nageswaramma
2.Minor.Mannem Tejaswara Reddy
3.Minor.Mannem Swathi
(Minors 2&3 are represented by their Mother
and NF Mannem Nageswaramma)
4.A.Pushpalatha

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Respondents

Prayer : This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the award dated 12.02.2020 made in M.C.O.P.No.6188 of 2018 on the file of the Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai.



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CMA No.2594 of 2021

For Appellant : Mr.S.Arunkumar

For R1 to R3 : Mr.A.G.F.Terry Chella Raja
For Mr.M.Pachaiyappan

For R4 :No appearance

J U D G M E N T

The Insurance company is the appellant herein challenging the award passed by the Tribunal dated 12.02.2020 made in M.C.O.P.No.6188 of 2018 on the file of the Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai on the ground of quantum.

2. The date of the accident is 11.06.2018. It is the case of fatal. The legal heirs of the deceased Mannem Chinna Kondareddy have filed the above M.C.O.P. No.6188 of 2018.

3.The factum of accident, manner of accident, rash and negligent on the part of the driver of the offending vehicle and vehicle being insured with the second respondent/Insurance company are not in dispute.



CMA No.2594 of 2021

4. On the date of the accident it is stated that he was aged about 45 years. As per Ex.P1 F.I.R as well as Ex.P4 Family Member Certificate his aged is shown as '44' not '40' as observed by the trial Court based upon the oral evidence of P.W.1. The trial Court has appears to have taken into consideration the aged of the deceased as '40' as per Post-Mortem Certificate. However as per the Family Member Certificate it is mentioned as '44' and therefore the proper multiplier should be '14' not '15'.

5. On perusal of the order, I find that the Tribunal has fixed the notional income at Rs.12,000/- and future prospectus at 25% and accordingly the said calculation appears to be just and fair and therefore, this Court is of the considered view that the notional income of Rs.12,000 + 25% of future prospectus Rs.15,000 is confirmed and therefore loss of future dependency is $\text{Rs.15,000} \times 12 \times 14 \times \frac{2}{3} = \text{Rs.16,80,000/-}$. The other heads are hereby confirmed.



CMA No.2594 of 2021

6. The break-up details of the compensation is as under :

Sl. No	Heads under which the amount is awarded	Amount awarded by the Tribunal – Rs.	Amount awarded by this Court – Rs.
1.	Towards loss of future dependency	Rs.18,00,000/-	Rs.16,80,000/-
2.	Towards Funeral expenses	Rs. 15,000/-	Rs. 15,000/-
3.	Towards Loss of love and affection Rs.20,000/-eachx3	Rs. 60,000/-	Rs. 60,000/-
4.	Loss of consortium to the 1st petitioner	Rs. 40,000/-	Rs. 40,000/-
	Total	Rs. 19,15,000/-	Rs.17,95,000/-

In total, the claim Petitioner is entitled to a sum of Rs.17,95,000 (**Rupees Seventeen Lakhs and Ninety Five Thousand only**).

7. In fine,

(i) this Civil Miscellaneous Appeal stands partly allowed, reducing the award amount from **Rs.19,15,000/- to 17,95,000/-** to the extent indicated above, along with 7.5% interest per annum.

(ii) the appellant/National Insurance Company Limited is directed to deposit the reducing award amount before the Tribunal, within a period of eight weeks from the date of receipt of a copy of this order, less the amount, if any already deposited.



CMA No.2594 of 2021

(iii) on such deposit being made, the respondents 1 to 3 / claimants are permitted to withdraw the entire award amount with accrued interest and costs, less the award amount, if any, already withdrawn, by filing necessary application before the Tribunal.

(iv) The share of the minor respondents 2 & 3 are directed to be deposited in any one of the Nationalised Bank, till the minors attain majority. The first respondent is permitted to withdraw the accrued interest, once in three months.

(v) the respondents 1 to 3 / Claimants are directed to pay the court fee, if any, for the reduced compensation amount and the Registry is directed to draft the decree only after the receipt of Court fee.

(vi) No costs. Connected Civil Miscellaneous Petition is closed.

.....03.2024

nvi

Index : Yes/No

Speaking/non-speaking order



CMA No.2594 of 2021

To

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1. The Chief Judge, Court of Small Causes, Chennai.
2. The Section Officer,
V.R.Section, High Court, Chennai.



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CMA No.2594 of 2021

RMT.TEEKAA RAMAN.J,

nvi

Judgment made in
C.M.A.No.2594 of 2021
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18.03.2024