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CMA.No.1431 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2024

CORAM:

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

Review Application No.156 of 2021
and C.M.P.No.17636 of 2021

United India Insurance Company Ltd.,
31-A, Salem Main Road,
Padusampalli, Raman Nagar Post,
Mettur Dam,
Salem District.

... Appellant

VS.

1. K.V.Raman
2. K.V.Haridarsini
3. M.Palaniammal

... Respondents

PRAYER: Review Application filed under Order 47 Rule 1 read with 114 of Civil Procedure Code, 1908, to review the Judgement passed in C.M.A.No.1132/2006, dated 03.09.2019.

For Appellant : Mr.C.Paranthaman

For Respondents : Mr.N.Manokaran

ORDER

The Review application is filed seeking to rectify the calculation error which crept in while computing compensation in C.M.A.No.1132/2006.



2. The claimants had filed C.M.A.No.1132/2006, seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, I Additional District Court, Erode in M.C.O.P.1323/2002. The Tribunal had awarded compensation of Rs.12,66,680/- together with interest at 7.5% per annum from the date of claim petition till the date of realisation.

3. In the Civil Miscellaneous Appeal, this Court fixed the notional income of the deceased as Rs.23,420/-, 40% was added towards future prospects and 50% was deducted towards personal expenses. However, while calculating the same, an error had crept in. The correct calculation is shown as follows:

Calculation :

Notional Income = Rs.23,420/-

after adding 40% Future Prospects = Rs.32,788/-

After 1/2 deduction = Rs.16,394/-

Loss of dependency :

= Rs.16,394/- x 12 x 17

= Rs.33,44,376/-



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In addition to that Rs.40,000/-, Rs.15,000/- and Rs.15,000/- were awarded 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.34,14,376 (33,44,376 + 40,000 + 15,000 + 15,000= 34,14,376) 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.33,44,376/-
2.	Loss of consortium	Rs.40,000/-
3.	Funeral expenses	Rs.15,000/-
4.	Loss of Estate	Rs.15,000/-
Total		Rs.34,14,376/-

4. In the result,

- i. The Review Application is allowed. No costs. Consequently, connected miscellaneous petition is closed.
- ii. Registry is directed to rectify the error which crept in the Judgment dated 03.09.2019 in C.MA.No.1132/2006 and issue fresh order copy.



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iii. Thus the correct compensation awarded is Rs.34,14,376/- and not
Rs.43,69,912/-.

iv. The other terms and conditions remain the same.

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Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes / No
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To

- 1.The Motor Accident Claims Tribunal,
I Additional District Court, Erode.
- 2.The Section Officer, VR Section,
Madras High Court, Chennai.



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R.HEMALATHA, J.

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