



C.M.A.No.2920 of 2024

For appellants

...

Mr.P.Satheesh Kumar

For respondents

...

Notice is dispensed with
vide order dated
3/10/2024 made in
C.M.P.No.20846 of 2024

Mr.B.Sivakollappan
for R.2

J U D G M E N T

This Civil Miscellaneous Appeal has been filed against the Award made in M.C.O.P.No.10 of 2021 dated 11/12/2023 on the file of the Motor Accident Claims Tribunal/Additional District Judge, Arni.

2. Brief facts which are necessary for the disposal of the Civil Miscellaneous Appeal are as follows:-

On 3/10/2020, at about 6.30 p.m., the deceased Chinnappa was attempting to cross the road at Mettu Kudisai Village, near Mandaveli, a mini passenger vehicle bearing Registration No.TN-73-C-1984 was proceeding from Arni towards Devikapuram, at a great speed, driven by the driver of the first respondent in a rash and negligent manner, dashed against the deceased from behind. Due to the said accident, the deceased died instantaneously. The legal heirs of the deceased, viz., sons and daughters have filed claim



petition, in M.C.O.P.No.10 of 2021 on the file of the Motor Accident Claims Tribunal/Additional District Judge, Arni, claiming compensation of Rs.15,00,000/-.

3. The Tribunal, after considering the oral and documentary evidence, awarded a sum of Rs.2,54,000/- under various heads.

4. The quantum of compensation awarded by the Tribunal is under challenge by the claimants/legal heirs of the deceased Chinnappa.

5. Heard Mr.P.Satheesh Kumar, learned counsel for the appellant and Mr.B.Sivakollappan, learned counsel for the second respondent.

6. The learned counsel appearing for the appellant submitted that the death of the deceased was caused due to negligence on the part of the driver of the first respondent insured with the second respondent. He would further submit that the Tribunal has fixed the income of the deceased at Rs.1,000/- which is meager. Further, the Tribunal has awarded a sum of Rs.1,76,000/- towards Love and Affection, for funeral expenses awarded a sum of Rs.16,500/- and Rs.16,500/- towards Loss of Estate. Hence, the learned



counsel for the appellants pray for enhancement of compensation.

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7. The learned counsel appearing for the Insurance Company submitted that the Tribunal, taking into consideration all the relevant documents has rightly fixed the compensation, which does not require any interference.

8. Perused the materials available on record.

9. Admittedly, the accident had happened in the year 2020. It is not disputed that the accident had occurred only due to the rash and negligent driving of the driver of the first respondent. A cursory look at the records reveal that no document has been filed to prove the income of the claimant. Considering the nature of employment of the deceased, this Court is inclined to award Rs.5,000/- as his monthly income and after deducting 1/4 and adopting the multiplier of 5, loss of income is quantified at Rs.2,25,000/- (3,750/- x 12 x 5). The compensation awarded under the other heads by the Tribunal is confirmed, which does not warrant any interference.



10. The award of compensation is modified under the following heads:-

S.NO.	HEADS	AMOUNT AWARDED BY THE TRIAL COURT (in Rs.)	AMOUNT AWARDED BY THIS COURT (in Rs.)
1	Loss of income	45,000/-	2,25,000/-
2	Loss of Love and Affection	1,76,000/-	1,76,000/-
3	Funeral expenses	16,500/-	16,500/-
4	Loss of estate	16,500/-	16,500/-
	Total	2,54,000/-	4,34,000/-

11. In the result, this Civil Miscellaneous Appeal is partly allowed, increasing the compensation awarded from Rs.2,54,000/- to Rs.4,34,000/-. The Insurance Company is directed to deposit the modified award amount along with interest at the rate of 7.5% p.a., from the date of claim petition till date of deposit, less the amount, if any, already deposited, to the credit of the claim petition, within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, the Tribunal is directed to transfer the amount as per the permissible apportionment to the bank account of the claimants through RTGS within a period of two weeks thereafter.

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The Insurance Company is further directed to recover the amount from the first respondent, as ordered by the trial Court. However, there shall be no order as to costs.

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Index : Yes / No

Neutral Citation: Yes/No

To

The Motor Accident Claims Tribunal/Additional District Judge, Arni.

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