



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2024

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CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.519 of 2024

1.Muneema

2.M.Murugesh

3.Valli

4.Chandra

5.M.Krisnappa

6.M.Raja

..Appellants

.VS.

1.T.Imrouse Ullah

2.The Branch Manager

United Idia Insurance Co. Ltd.,
No.8/172/8, B.N.G. Naidu Layout
TB Road, Kuppam, Chittoor District,
Andhrapradesh – 517 425, Local Branch at
Local Office: Service Road, Rayakottai Road,
Krishnagiri, Tamil Nadu – 635 001

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the judgment and decree dated 24.11.2021 made in MCOP No.338 of 2021 on the file of the Motor Accident Claims Tribunal, Special District Court, Krishnagiri.



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For Appellants : Mr.S.P.Yuvaraj

For Respondents : Ms.I.Malar for R2

JUDGMENT

The claimants who are the wife, sons and daughters of the deceased not being satisfied with the quantum of compensation fixed by the Tribunal have filed this appeal against the Award dated 24.11.2021 in MCOP No.338 of 2021 on the file of the Motor Accident Claims Tribunal and Special District Court, Krishnagiri.

2.The case of the claimants is that the deceased Muneppa was walking on the left side of Palamaner to Kuppam Main road on 18.11.2020 and at about 19.30 hours, the offending vehicle was driven in a rash and negligent manner and it dashed on the deceased. As a result of which, he sustained grievous injuries and he died on the next day on 19.11.2020. An FIR also came to be registered in Crime No.374 of 2020. It is under these circumstances, the claim petition came to be filed before the Tribunal.

3.The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the



rider of the offending vehicle. Having come to such a conclusion, the Tribunal proceeded to fix the total compensation of Rs.12,87,500/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of dependency	9,80,100
2.	Loss of Estate	15,000
3.	Funeral Expenses	15,000
4.	Loss of Consortium (P1 to P6 Rs.40000 x 6 = Rs.2,40,000)	2,40,000
5.	Medical Bills	37,400
	Total	12,87,500

4.The above compensation was directed to be paid with interest at the rate of 7.5% per annum.

5.The claimants not being satisfied with the quantum of compensation awarded by the Tribunal has filed the present appeal before this Court seeking for enhancement of compensation.

6.Heard Mr.S.P.Yuvaraj, learned counsel appearing on behalf of the appellants and Ms.I.Malar, learned counsel appearing on behalf of the 2nd respondent.



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7.This Court has carefully considered the submissions made on either side and also the materials available on record.

8.The focus of the arguments was only on the monthly income that was fixed by the Tribunal at Rs.9,000/- per month. The claimants had come up with a case that the deceased was doing stone cutting work for buildings and he was earning Rs.25,000/- per month. No evidence was let in to prove the avocation or the monthly income of the deceased. Hence, the Tribunal fixed the notional monthly income at Rs.9,000/- per month.

9.In the considered view of this Court, the accident had taken place in the year 2020 and the deceased was aged about 55 years at the time of accident. Hence, this Court is inclined to fix the notional monthly income at Rs.14,000/- per month. If the future prospects of 10% is added to the monthly income, it comes to Rs.15,400/- (Rs.14,000 + Rs.1,400). After deducting 1/4th amount of Rs.3,850/- for his own expenses, the income is fixed at Rs.11,550/- The compensation under the head of loss of dependency can be calculated based on the above income fixed by this Court. The same works out to Rs.15,24,600/-. (Rs.11,550 x 12 x 11).

10.In the light of the above discussion, the compensation awarded by the

tribunal is modified as follows:

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S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of dependency (Rs.15,400 x $\frac{3}{4}$ = Rs.11,550/-) (Rs.11,550/- x 12 x 11)	15,24,600
2.	Loss of Estate	15,000
3.	Funeral Expenses	15,000
4.	Loss of Consortium (P1 to P6 Rs.40000 x 6 = Rs.2,40,000)	2,40,000
5.	Medical Bills	37,400
	Total	18,32,000

11.The compensation awarded by the tribunal at 12,87,500/- is enhanced to Rs.18,32,000/-. The second respondent insurance company is directed to deposit the enhanced compensation of Rs.18,32,000/-, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of four weeks from the date of receipt of this judgment. Insofar as the enhanced compensation of Rs.5,44,500/- is concerned, the appellants/claimants will not be entitled for interest for the period of delay period of 577 days as was ordered by this Court. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.



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12.In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

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Index : Yes/No

Speaking Order/Non-Speaking Order

Neutral citation : Yes/No

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To

The Motor Accident Claims Tribunal, Special District Court, Krishnagiri.

CMA No.519 of 2024