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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.2592 of 2023

1.Mrs.Bhuvaneshwari

2.Mr.Vajiravelu

.. Appellants

.VS.

1.Mr.D.Velusamy

2.M.Mary

3.The Manager

Reliance General Insurance
Company Limited

T.P.Cell No.6, Reliance House
Haddow Road, Nungambakkam
Chennai 600 006.

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the Decree and Judgment in MCOP No.3325 of 2019, dated 13.06.2023, on the file of the Motor Accident Claims Tribunal, II Court of Small Causes, Chennai.

For Appellants : Mr.G.Balakrishnan

For Respondents : Mr.P.Suresh [R3]

R1 & R2 – dispense with



JUDGMENT

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The claimants, who are the parents not being satisfied with the quantum of compensation awarded by the Tribunal in MCOP No.3325 of 2019, dated 13.06.2023, on the file of the Motor Accident Claims Tribunal, II Court of Small Causes, Chennai, have filed this appeal seeking for enhancement of compensation

2.The deceased Rajasekar, who was aged about 21 years was riding a two wheeler on 17.5.2019 at Moolakarai Meyyur Road and at about 12.30 hours the offending vehicle which was a Lorry and which came in the opposite direction, was driven in a rash and negligent manner and it dashed on the two wheeler as a result of which the deceased was thrown out of the vehicle and he sustained grievous injuries and died on the spot. 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 driver of the offending vehicle.

4.The Tribunal having rendered the above finding proceeded to fix the total compensation at Rs.18,91,400/- under various heads as follows:



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Sl.No.	Compensation awarded under the head	Amount (in Rs.)
1	Loss of dependency	18,14,400/-
2	Loss of Consortium	44,000/-
3	Loss of Estate	16,500/-
4	Funeral Expenses	16,500/-
	Total	18,91,400/-

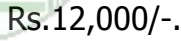
5.The above compensation was directed to be paid with interest at the rate of 7.5% p.a.

6.The claimants, not being satisfied with the compensation awarded by the Tribunal, have filed the present appeal seeking for enhancement of compensation.

7.Head Mr.G.Balakrishnan, learned counsel for the appellants and Mr.P.Suresh, learned counsel for R3.

8.This Court has carefully considered the submissions made on either side and the materials available on record. This Court has also carefully went through the award passed by the Tribunal.

9.The main issue that was raised by the learned counsel for the appellants pertains to the notional monthly income that was fixed by the Tribunal at


$$\begin{aligned} \text{Loss of income/dependency : } & 15000 + 40\% \text{ FP} \times 12 \times 18 - 1/2 \\ & 15,000 + 6000 * 12 * 18 - 1/2 \\ & 45,36,000 - 22,68,000 = 22,68,000/- \end{aligned}$$

12The compensation fixed under the other heads are reasonable and it does not require the interference of this Court.



13. In the light of the above discussion, this Court modifies the compensation in the following manner:

Sl.No.	Compensation awarded under the head	Amount (in Rs.)
1	Loss of income/dependency	22,68,000/-
2	Loss of Consortium	80,000/-
3	Loss of Estate	16,500/-
4	Funeral Expenses	16,500/-
	Total	23,81,000/-

14. The compensation awarded by the Tribunal at Rs. 18,91,400/- is enhanced to Rs. 23,81,000/-. The 3rd respondent Insurance Company is directed to deposit the enhanced compensation, 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 six weeks from the date of receipt of this judgment. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellants/claimants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

In the result, the Civil Miscellaneous Appeal is partly allowed in the above terms. No costs.

11.07.2024

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
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N. ANAND VENKATESH., J

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To

- 1.The Manager
Reliance General Insurance
Company Limited
T.P.Cell No.6, Reliance House
Haddow Road
Nungambakkam
Chennai 600 006.
- 2.Motor Accident Claims Tribunal
II Court of Small Causes
Chennai.

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