



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

WEB COPY

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.1658 of 2024

1.Suseela

2.Pradeepa

... Appellants

.VS.

1.Lakshmi Chand

2.The Manager,
National Insurance Company Limited,
Shivendra Bhawan,
Delhi Gate Agra,
Uttarpradesh-282002.
Branch Office at:
No.74-A, Paramathi Salai,
Namakkal – 637 001.

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the decree and judgment passed in MCOP No.776 of 2018, dated 08.03.2022 on the file of the MACT / Sessions Judge, Special Court for Trial of cases registered under SC/ST (POA) Act, Namakkal.

For Appellant : Mr.C.Thangaraju

For Respondents : Mr.S.Vadivelu for R2



JUDGMENT

WEB COPY

The claimants who are the wife and the minor daughter of the deceased Muthusamy not being satisfied with the quantum of compensation awarded by the Tribunal in MCOP No.776 of 2018, dated 08.03.2022, have filed this appeal seeking for enhancement of compensation.

2.The case of the claimants is that the deceased Muthusami was driving a lorry and the offending vehicle which was also a lorry and which came from the opposite direction was driven in a rash and negligent manner and it dashed on the lorry driven by the deceased. As a result, the deceased sustained grievous injuries and he died on the spot. An FIR also came to be registered against the driver of the offending vehicle in Crime No.395 of 2017. It is under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation.

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. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.15,30,540/- under various heads as follows:



S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of dependency	12,94,128
2.	Future Prospectus	1,29,412
3.	Loss of Consortium	44,000
4.	Love and affection	30,000
5.	Funeral Expenses	16,500
6.	Loss of Estate	16,500
	Total	15,30,540

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.C.Thangaraju, learned counsel appearing on behalf of the appellants and Mr.S.Vadivel, learned counsel appearing on behalf of the 2nd respondent.

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



WEB COPY

8.The main ground that was urged by the learned counsel for the appellant is with regard to the notional monthly income that was fixed by the Tribunal.

9.In the considered view of this Court the Tribunal has fixed a very reasonable notional monthly income in this case to the tune of Rs.14,705/-. Apart from this, the Tribunal has also granted separate compensation towards future prospects. The compensation that has been granted under the other heads are also very reasonable. Therefore, this Court does not find any ground to enhance the compensation under any heads. Thus, the Award passed by the Tribunal is confirmed.

10.Accordingly, this civil miscellaneous appeal stands dismissed. No Costs.

15.07.2024

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
ssr



To

The MACT / Sessions Judge,
Special Court for Trial of cases registered under SC/ST (POA) Act,
Namakkal.



WEB COPY



N. ANAND VENKATESH., J

SSR

CMA No.1658 of 2024

15.07.2024