



C.M.A.(MD)No.1073 of 2009

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : **30.08.2024**

CORAM :

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

C.M.A(MD)No. 1073 of 2009
and M.P(MD)No.2 of 2009

The Branch Manager,
New India Assurance Co. Ltd.,
Karaikudi

... Appellant/2nd Respondent

Vs.

1.Thangavelu

...1st Respondent/Petitioner

2.P.Kannan

...2nd Respondent/1st Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act against the order dated 18.12.2008 in M.C.O.P.No. 136 of 2000 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate, Pudukottai.

For Appellant : Mr.A.Ilango

For R1 : No appearance

JUDGMENT

The instant appeal challenges the award of compensation under the parental consortium to the 1st respondent herein.



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2. The manner of the accident, the contentions raised by the parties may not be relevant in this case in view of the award of the Tribunal.

3. The 1st respondent's son died in an accident and a claim petition was filed by his wife and minor daughter arraying the 1st respondent as a party. The Tribunal had awarded compensation to the wife and minor daughter of the deceased and denied compensation under the head parental consortium to the 1st respondent herein. The 1st respondent therefore has filed a separate claim petition and the Tribunal had awarded parental consortium of Rs.25,000/- to the 1st respondent.

4. This Court is of the view that there is no infirmity in the said award of the Tribunal. Admittedly, the 1st respondent was denied any compensation in the earlier claim petition and he is entitled to compensation under the head loss of consortium at Rs.40,000/- as per the judgment of the Hon'ble Supreme Court. Hence, this Court is of the view that the award can be enhanced to Rs.40,000/-.

5. The appellant shall deposit the enhanced compensation with interest as awarded by the Tribunal within a period of six weeks from the date of receipt of a copy of this order. On



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such deposit, the 1st respondent is permitted to withdraw the same by filing a suitable application. Since the instant appeal is filed by the Insurance Company, the 1st respondent shall pay court fee for the enhanced compensation.

6. In fine, this appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

30.08.2024

Index : Yes / No
Neutral Citation : Yes / No
CM

To
1.Motor Accidents Claims Tribunal, Chief Judicial Magistrate,
Pudukottai.

2. The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

CM

Judgment made in
C.M.A(MD)No. 1073 of 2009
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