



C.M.A(MD)No.73 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.73 of 2024

1.K.Selvi
2.K.Vignesh
3.K.Maruthupandi

...Appellants

Vs.

1.K.K.Blue Metal,
Represented by its Authorized Signatory,
Office at No.2/1 D12/D2, PT Rajan Road,
Rathinasamy Nadar Road, Madurai.

2.Future General India Insurance Company Limited,
Represented its authorized signatory
having its Office at Sri Ram Centre,
3rd Floor, D.No.180, P.P.Sawadi,
Theni Main Road, Madurai.
(Policy No.2019-V6197714-F13
From 15.03.2019 to 14.03.2022)

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, against the judgment and decree dated 05.10.2023 in M.C.O.P.No.1454 of 2019, on the file of Motor Accident Claims Tribunal – V Additional District Judge, Madurai.

For Appellants : Mr.C.Godwin
For Respondents : No Appearance



C.M.A(MD)No.73 of 2024

JUDGMENT

WEB COPY

The claimants have filed this Civil Miscellaneous Appeal.

2.It is a case of fatal. The deceased was aged about 48 years. The contention of the claimants are that the deceased was working as a Tailor but the Tribunal has taken Rs.8,000/- as notional monthly income. Without any evidence, the minimum notional monthly income would be fixed as Rs.8,000/-. Since the claimants have established that the deceased was working as Tailor, this Court is inclined to increase the same as Rs.11,000/- with 15% future prospects. The Tribunal has not granted any compensation for loss of love and affection for two sons. Therefore, under the head of loss of love and affection, this Court is awarding Rs.80,000/-. For travel expenses, this Court is awarding Rs.15,000/-. The compensation granted under other heads are confirmed.

3.The enhanced award amount granted by this Court is as under:

i.	Monthly income of the deceased	Rs.11,000/-
ii.	Future prospects (15%)	Rs.1,650/-
Total		Rs.12,650/-
1/3 rd of income deducted towards personal expenses		- Rs.4,216/-
After deduction		Rs.8,434/-



C.M.A(MD)No. 73 of 2024

Sl.No.	Head of Compensation	Modified award granted by this Court	Award granted by the Tribunal
1.	Loss of Income (Rs.8,434/-*12*13)	Rs.13,15,704/- (enhanced)	Rs.8,31,946/-
2.	Loss of Consortium	Rs.44,000 /- (confirmed)	Rs.44,000 /-
3.	Loss of Estate	Rs.16,500/- (confirmed)	Rs.16,500/-
4.	Funeral Expenses	Rs.16,500/- (confirmed)	Rs.16,500/-
5.	Loss of Love and Affection (for two sons Rs.40,000/- * 2)	Rs.80,000/-	-
6.	Travel expenses	Rs.15,000/-	-
Total compensation granted by this Court		Rs.14,87,704/- (enhanced)	Total = Rs. 9,08,948/-

4. Therefore, the 2nd respondent is directed to deposit Rs.14,87,704/- with interest at the rate of 7.5% per annum and costs to the credit of M.C.O.P., on the file of claims Tribunal, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this judgment. On such deposit, the claimants are permitted to withdraw their shares with proportionate accrued interests and costs in the ratio fixed by the Tribunal, less the amount already withdrawn by them, if any, by filing appropriate application before the Tribunal. The 2nd respondent Insurance Company is entitled to recover the same from the 1st respondent herein, by way of filing Execution Petition, without actually filing a suit as held by Hon'ble Apex Court in the judgment reported in



C.M.A(MD)No.73 of 2024

2004 (2) CTC 464 (*Oriental Insurance Co., Ltd., vs. Shri Nanjappan and others*).
WEB COPY

5. With the above said directions, the Civil Miscellaneous Appeal is partly allowed. No costs.

11.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Tmg

To

1.Motor Accident Claims Tribunal /
V- Additional District Judge, Madurai.

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



WEB COPY



C.M.A(MD)No.73 of 2024

S.SRIMATHY, J.

Tmg

C.M.A(MD)No.73 of 2024

11.03.2024