



C.M.A(MD)No.621 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.12.2024

CORAM

THE HONOURABLE MRS.JUSTICE R. KALAIMATHI

C.M.A(MD)No.621 of 2024

1.Parvathi
2.Muthumathi
3.Balamuruges
4.Gomathiammal
SZ

... Appellants/Petitioners

-Vs-

1.P.Vallinathan

2.Reliance General Insurance Co., Ltd.,
Rep by its Branch Manager,
No.200/E/2/13, Tiruchendur Road,
Samathanapuram,
Palayamkottai,
Tirunelveli District.

... Respondents/Respondents

PRAYER: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicle Act, 1998, as against the judgment and decree dated 22.06.2022 made in MCOP No.510 of 2020 on the file of the Motor Accident Claims Tribunal, III Additional District Court, Tirunelveli and to set aside the award.

For Appellant : Mr.V.Sasi Kumar



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C.M.A(MD)No.621 of 2024

For R2 : Mr.T.S.Murali

J U D G M E N T

Not being satisfied with the award dated 22.06.2022 passed in MCOP No.510 of 2020 by the Motor Accident Claims Tribunal, III Additional District Court, Tirunelveli, this Civil Miscellaneous appeal is filed by the claimants.

2.Heard the argument of the learned counsel for the appellants and the learned counsel for the second respondent.

3.Upon consideration, the Tribunal has granted compensation for a sum of Rs.9,75,896/- and the details are hereunder:

S. No	Description	Amount awarded by the Tribunal
1	For Loss of dependency	Rs.9,40,896/-
2	For Funeral Expenses	Rs.15,000/-
3	For Transportation	Rs.10,000/-
4	For Loss of Estate	Rs.10,000/-
	Total	Rs.9,75,896/-

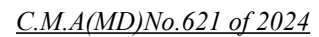
4.The learned counsel for the appellants would vehemently argue that the deceased was the owner cum driver of the Mahindra



C.M.A(MD)No.621 of 2024

Passenger Van and earning a sum of Rs.25,000/- per month. The Tribunal has fixed the notional income of Rs.8,640/- which is less. It was further contended that the Tribunal ought to have fixed notional income of Rs.16,000/- per month and hence, prayed for enhancement of compensation.

5.It has come on record through the evidence of P.W.1 that the deceased was the owner cum driver of the Mahindra van and earning a sum of Rs.25,000/- p.m. But, no document was marked to substantiate the said fact. The date of accident is 08.11.2019. Based on the aforesaid details, this Court deems it fit to fix the notional income of the deceased at Rs.15,000/-. As regards the age of the deceased Ex.P.2-Post mortem certificate and Ex.P.8-Driving License of the deceased were marked and by relying upon the date entries found in the driving license, the age of the deceased is fixed at 51 years. The Hon'ble Supreme Court has standardized the details of the future prospects in ***National Insurance Company-Vs-Pranay Sethi and others***, reported in ***2017(2)TNMAC 609(SC)***. For the age group of persons between 50 years to 60 years, 10%



S. No	Description	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted or reduced
1	For Loss of dependency	Rs.9,40,896/-	Rs.16,33,500/-	Enhanced
2	For Loss of Consortium	Nil	Rs.1,60,000/-	granted
5	For Funeral expenses	Rs.15,000/-	Rs.15,000/-	Confirmed
6	For Loss of Estate	Rs.10,000/-	Rs.15,000/-	Enhanced
7	For Transport Expenses	Rs.10,000/-	Rs.10,000/-	Confirmed
	Total	Rs.9,75,896/-	Rs.18,33,500/-	Enhanced by Rs.8,57,604/-



C.M.A(MD)No.621 of 2024

Out of the compensation, a sum of Rs.85,760/- shall be deducted towards income tax.

6. In the result,

(i) The Civil Miscellaneous Appeal stands partly allowed.

(ii) The compensation awarded by the Tribunal is enhanced from Rs.9,75,896/- to Rs.18,33,500/-.

(iii) The Insurance Company/second respondent is directed to deposit the enhanced compensation amount i.e., Rs.18,33,500/- (less the amount already deposited if any) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of M.C.O.P.No.510 of 2020 on the file of Motor Accidents Claims Tribunal /III Additional District Court, Tirunelveli, within a period of eight (8) weeks from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the first appellant/claimant is permitted to withdraw a sum of Rs.9,33,500/-, the second and third appellants/claimants are permitted to withdraw a sum of Rs.4,00,000/- each and the fourth appellant/claimant is permitted to withdraw a sum of



C.M.A(MD)No.621 of 2024

Rs.1,00,000/- along with interest and costs, after adjusting the amount, if any already withdrawn, by filing necessary application before the Tribunal.

(v) The appellants/claimants are directed to pay the Court fee for the enhanced compensation amount, if required.

(vi) The Tribunal shall disburse the amount upon production of the certified copy showing proof of payment of Court fee by the claimant.

(vii)No costs.

31.12.2024

NCC:Yes/No

Index:Yes/No

Internet::Yes/No

To

1.The Motor Accident Claims Tribunal/

III Additional District Court,

Tirunelveli.



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C.M.A(MD)No.621 of 2024

R. KALAIMATHI,J.

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C.M.A(MD)No.621 of 2024

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