



C.M.A. (MD) No. 972 of 2024

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Dated: 07.08.2024

CORAM:

THE HON'BLE MR. JUSTICE **SUNDER MOHAN**

C.M.A.(MD) No. 972 of 2024
and
C.M.P(MD) No. 10328 of 2024

The Divisional Manager
National Insurance Co. Ltd
K.R.T. Building, I- Floor,
Cantonment, Trichy

..Appellant/2nd Respondent

Vs.

1. P.Pattu
2. P. Balachandar
3. P. Kalyani
4. P. Kiribalakshmi
5. P. Ramachandran
6. P. Raja
7. P. Vaishnavi
8. M. Kathayee Ammal
9. V. Ponnaiyan
(Notice to R9 dispensed with)

.Respondents/Petitioners

Prayer : This Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act to set aside the fair and decretal order dated 01.12.2015 made in MCOP No. 201 of 2011 on the file of the Motor Accident Claims Tribunal (Sub Court), Kulithalai.

For Appellant : Mr. S. Srinivasa Raghavan

For R1 to R7 : Mr. N. Sudhagar Nagarajan



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JUDGMENT

The appellant/Insurance company has preferred the instant appeal seeking reduction of compensation to the legal heirs of the deceased.

2. The respondents had filed the claim petition before the Tribunal stating that they were the legal heirs of the deceased who died in a road accident that took place on 28.02.2011.

3. It is the case of the claimants that while the deceased was riding his two wheeler, the rider of the offending two wheeler came from behind in a rash and negligent manner and collided with the two wheeler ridden by the deceased, as a result of which, the deceased fell down and sustained multiple grievous injuries and died later; and that the deceased was working as a Village Assistant at the relevant point of time and earning a sum of Rs.15,000/- per month.

4. The appellant, who was the second respondent before the Tribunal, opposed the claim petition stating that the rider of the



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insured vehicle did not have valid license, besides stating that the accident did not take place due to the rash and negligent riding of the insured.

5. Before the Tribunal on the side of the claimants/petitioners P.W.1 to P.W.3 were examined and documents Exs.P.1 to P.6 were marked. On the side of the respondents, R.W.1 and R.W.2 were examined and Exs.R.1 to R3 were marked.

6. After taking into consideration the oral and documentary evidence, the Tribunal had held that the claimants are totally entitled to a sum of Rs.11,49,600/- as compensation.

7. The learned counsel appearing for the appellant would submit that the Tribunal ought to have adopted split multiplier method instead of adopting single multiplier method and submitted that in view of the same, the compensation awarded by the Tribunal is excessive and prayed for reduction.

8. Hence the only question in the instant appeal is whether the Tribunal was right in adopting split multiplier method to award compensation?



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9. This Court, on perusal of the award of the Tribunal, finds that the Tribunal had determined the monthly income of the deceased at Rs.7,800/- after taking into consideration the salary certificate/Ex.P.6 and Duty register/Ex.P.5. Hence the income fixed by the Tribunal cannot be faulted with. The learned counsel is unable to point out any infirmity in the same. The compensation under other heads awarded by the Tribunal in the following manner:

S.No	Description	Amount awarded by the Tribunal
1	Annual Income (Rs.7800*12)	Rs.10,29,600/-
2	Loss of Love and affection	Rs.95,000/-
3	Funeral Expenses	Rs.25,000/-
	TOTAL	Rs.11,49,600/-

is also just and reasonable and therefore cannot be faulted with.

10. The main submission made by the learned counsel is that since the deceased had only six years of service remaining and was aged about 52 years at the time of accident, the Tribunal ought to have adopted split multiplier method. This Court finds that considering the age of the deceased, the Tribunal had adopted



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multiplier of 11, which is in accordance with the guidelines laid down by the Hon'ble Supreme Court of India.

11. Further, the Hon'ble Supreme Court had reiterated that the adoption of two multiplier methods is erroneous in the judgment of the Hon'ble Apex Court, in the case of ***R. Valli and Ors .vs. Tamil Nadu State Transport Corporation Ltd*** reported in ***2022 Live Law(SC)152***. In such circumstances, the challenge to the award that split multiplier was not adopted cannot be sustained .

12. Therefore, this Court is of the view that the appellant has not made out any ground for interference and this appeal is liable to be dismissed.

13. In the result, the Civil Miscellaneous Appeal stands dismissed. No costs. Consequently connected miscellaneous petition is closed.

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NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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1. The Motor Accident Claims Tribunal(Sub Court), Kulithalai.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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