



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.250 of 2022

1.Mariammal

2.Thangamariappan

3.Sathya

4.Minor Rajkumar

... Appellants

Vs.

1.Suresh Kumar

2.The Branch Manager,
United India Insurance Company Ltd.,
D.No.213C/18, Odaikarai Street,
Cumbam.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, praying to enhance the award amount to Rs.1,80,993/- (Rupees One Lakh Eighty Thousand Nine Hundred and Ninety Three only) in Judgment and Decree dated 26.11.2015 made in M.C.O.P.No.71 of 2012, on the file of the Motor Accident Claims Tribunal, the learned Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputhur.

For Appellant : Mr.P.Ganapathi Subramanian

For Respondent No.1 : No appearance

For Respondent No.2 : Mr.C.Karthik



3. As far as the loss of love and affection is concerned, the Tribunal has fixed for each of the petitioner is as Rs.15,000/-. The same is on the lower side. Therefore, this Court is fixing a sum of Rs.40,000 x 3 =Rs.1,20,000/-.

4. Since the Tribunal has not granted any compensation for attender expenses this Court is granting a sum of Rs.20,000/-. The claimants have filed this Civil Miscellaneous Appeal belatedly, therefore, there is no interest for the belated period.

5. Accordingly, the claimants are entitled for compensation as follows:

Sl. No.	Description	Amount awarded by Tribunal this Court		Award confirmed / enhanced / granted
1.	For Loss of income	Rs. 5,94,000/-	Rs. 8,31,000/-	enhanced
2.	For loss of love and affection [3 x Rs.40,000/-]	Rs. 45,000/-	Rs. 1,20,000/-	enhanced
3.	For attender expenses	--	Rs. 20,000/-	granted
4.	For loss of consortium to the 1 st claimant	Rs. 55,000/-	Rs. 55,000/-	confirmed
5.	For Funeral expenses	Rs. 10,000/-	Rs. 10,000/-	confirmed
6.	As per Ex.P.2 to the 1 st claimant	Rs. 3,46,883/-	Rs. 3,46,883/-	confirmed
7.	As per Ex.P.3 to the 1 st claimant	Rs. 1,00,000/-	Rs. 1,00,000/-	confirmed
8.	As per Ex.P.11 to the 1 st claimant	Rs. 10,381/-	Rs. 10,381/-	confirmed
Total		Rs.11,61,264/-	Rs.14,93,264/-	



From the compensation of Rs.11,61,264/-granted by the Tribunal, this Court is enhancing a sum of Rs.14,93,264/-, as compensation.

6. Accordingly, this Civil Miscellaneous Appeal is partly allowed. The Court is enhancing the compensation to Rs.14,93,264/- from Rs. 11,61,264/-with interest at 7.5% along with costs. The claimants are not entitled for interest for a period from the date of the Order passed by the Tribunal till filing of this Civil Miscellaneous Appeal. The Insurance company is directed to deposit the same within a period of 8 weeks from the date of receipt of a copy of the order, less the amount if already deposited. After depositing the amount, the claimants 1 to 3 are permitted to withdraw their respective share as apportioned by the Tribunal. The share of the minor 4th claimant is to be deposited in anyone of the Nationalized Bank till he attains majority. The 1st claimant/mother is permitted to withdraw the interest amount of the deposited amount of the minor claimant. No Costs. Consequently, connected miscellaneous petition is closed. For the enhanced amount the claimant shall pay the appropriate court fees.

26.02.2024

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



WEB COPY

To

1. The Motor Accident Claims Tribunal,
Chief Judicial Magistrate Court,
Virudhunagar District at Srivilliputhur.

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



WEB COPY



S.SRIMATHY, J.

KSA

**Order made in
C.M.A(MD)No.250 of 2022**

26.02.2024