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REV.APPL No. 106 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-07-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

REV.APPL No. 106 of 2019

1. Lakshmi
- 2.M. Revathi
- 3.M. Kanchana
- 4.M.Alamelu

Review Applicants

Vs

1. M/s. K.B.A. Logistics Office
No.5/1 New No.26 Yadhava Street,
Sankarapalayam, Vellore,
Sankarapalayam Vellore, Vellore Dist.
- 2.The Divisional Manager
New India Assurance Company Ltd.,
(divisional Office), Officers Line,
Vellore, Vellore Dist.

Respondents

PRAYER :- Review Application filed under Order XLVII Rule 1 r/w Sec.114 of Civil Procedure Code, praying to set aside the judgement and decree dated 09-07-2010 made in the above CMA.2046/2008.



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For Review Applicants Mr. A. A. Gouthaman

For Respondents: R2 - No Appearance

R1 - Batta Due

ORDER

Challenging the impugned judgment dated 09.07.2010 passed by this court in C.M.A.No.2046 of 2008, the Review Applicants have preferred this Review Application.

2. Today, when the matter taken up for hearing, learned counsel for Review Applicants would submit that they have preferred this Review Application praying to review the judgment of this court stating that this court modified the award passed by the tribunal by applying wrong multiplier at 13 without taking note of the fact that the deceased, who was an office assistant serving in the School Department and his retirement age is 60 years, but erroneously considered that his age of retirement as 58 years and he was aged about 45 years at the time of accident and applied wrong multiplier as 13. Therefore, there is an error apparent on the face of record. Hence, he prayed to review the judgment passed by this court.



3. Despite service of notice, there is no representation on the side of 2nd respondent.

4. Considering his submissions, the fact reveals that the deceased was an office assistant in a Government School at the time of accident and having service upto 60 years as per Rule 56 of Tamil Nadu State and Subordinate Service Rules. Hence, the multiplier of 15 is to be applied. Furthermore, without considering the fact that there are four dependants, the tribunal has made deduction towards personal living expenses as 1/3 instead of 1/4. So, the deduction is also to be arrived as 1/4. Furthermore, this court granted a sum of Rs.10,000/- under the head of 'Loss of consortium'. As each of the appellants are entitled for a sum of Rs.40,000/- under this head, the total compensation under this head is fixed at Rs.1,60,000/- (Rs.40,000/- x 4). This court had awarded a sum of Rs.5,000/- towards funeral expenses and a sum of Rs.10,000/- towards loss of estate, which are very meagre one. Therefore, this court is inclined to enhance the sum awarded towards funeral expenses from Rs.5,000/- to Rs.15,000/- and the sum awarded towards loss of estate from Rs.10,000/- to Rs.15,000/-. Since loss of consortium is awarded for each of appellants, the



compensation under the head of love and affection would not arise.

Accordingly, the order passed by this court is reviewed, since there is an error on the face of record.

5. In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	For loss of income/dependency $\text{Rs. } 8059 - \frac{1}{4} (2014) = 6045$ $\text{Rs. } 6045 \times 12 = \text{Rs. } 72,540$ $\text{Rs. } 72,540 \times 15 = \text{Rs. } 10,88,100/-$ $\text{Rs. } 10,88,100 \text{ (add 30\% future prospects) } +$ $\text{Rs. } 3,26,430 = \text{Rs. } 14,14,530/-$	14,14,530
2.	For funeral expenses	15,000
3.	For loss of estate	15,000
4.	For loss of consortium ($\text{Rs. } 40,000 \times 4$)	1,60,000
	Total	16,04,530

6. The second respondent insurance company is directed to deposit the compensation of Rs.16,04,530/- now determined by this court, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of eight weeks from the date of receipt of copy of this judgment. On such deposit, the Review Applicants are permitted to withdraw the enhanced award amount now determined by this



court along with interest and costs, less the amount if any, already withdrawn.

Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the Review Applicants. Accordingly, this Review Application is allowed. No costs.

28-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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T.V.THAMILSELVI J.

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