



C.M.A(MD)No.1089 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2025

CORAM:

THE HONOURABLE **DR.JUSTICE G.JAYACHANDRAN**

AND

THE HONOURABLE **MS.JUSTICE R.POORNIMA**

C.M.A(MD)No.1089 of 2022

and

C.M.P.(MD)No.11075 of 2022

Reliance General Insurance Company Limited,
Office at Door No.10/4/4, 2nd Floor,
Thaka Plaza,
South By-pass Road,
Vannarpettai,
Tirunelveli.

... Appellant/3rd Respondent

-Vs-

1.Divya

2.Minor Pandeeswari

3.Minor Vennila

4.Shanthi

... Respondents 1 to 4/Petitioners 1 to 4

5.Muthuraj

... 5th Respondent/1st Respondent



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... 6th Respondent/2nd Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the judgment and decree passed in M.C.O.P.No.764 of 2019 on the file of the Motor Accident Claims Tribunal, IV Additional District Judge, Tirunelveli dated 28.07.2022 and allow the Civil Miscellaneous Appeal.

For Petitioner : Mrs.K.R.Shivashankari

For Respondents : Mr.M.Suresh Kumar
R-1 & R-4
(R-2 & R-3 minor represented by R-1)

JUDGMENT

DR.G.JAYACHANDRAN, J.

AND

R.POORNIMA, J.

This appeal is preferred by the Insurance Company being aggrieved by the quantum of compensation fixed by the Motor Accident Tribunal for the death of of a 29-year-old man who left behind his wife, two minor children, and his mother.



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2. The impugned award reveals that, based on documents marked as Ex.P1 to Ex.P15, the Tribunal concluded that the accident occurred due to the rash and negligent driving of the 1st Respondent, who was driving a vehicle owned by the 2nd Respondent and duly insured with the 3rd Respondent, Reliance General Insurance Company Limited. Taking note of the age of the victim, his dependants, and avocation, the Tribunal has fixed a notional income of Rs. 12,000/- per month, applied a multiplicand of 17, and added 40% for future prospects, following the dictum laid by Hon'ble Supreme Court in the case of *National Insurance Company Vs Pranaysethi*. That apart, the Tribunal awarded Rs.20,000/- towards funeral expenses, Rs.50,000/- for loss of consortium, and Rs.25,000/- for loss of love, affection, and estate. In the appeal, the Insurance Company contended that the notional income of Rs.12,000/- fixed for the deceased is without basis, and therefore, the award of higher compensation should be interfered with.

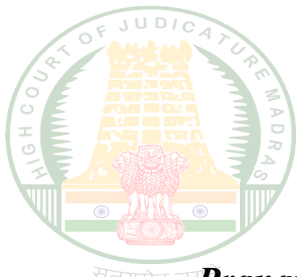


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3. The learned counsel appearing for the respondent claimants submits that the deceased, Arunthilagaraj, was a qualified electrician by profession, possessing the requisite certificate issued by the Department of Employment and Training Industrial School, marked as Ex.P6. Therefore, the notional fixation of monthly income at the rate of Rs. 12,000/- is fair and just. The counsel further submits that the Tribunal ought to have paid Rs.40,000/- towards consortium for each of the claimants, instead of paying only Rs.50,000/- in total, which is contrary to the dictum laid down by the Hon'ble Supreme Court in *Pranaysethi's* case.

4. This Court, after careful and anxious consideration of the rival submissions, finds that the fixation of the notional income of the deceased at Rs.12,000/- is based on the qualification certificate and cannot be faulted. Hence, the appeal lacks merit. The contention of the counsel for the Respondents that there is some minor variations in the fixation of compensation towards the consortium. Though the said compensation given by the Tribunal is not in tune with the dictum rendered in



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Pranaysethi's case, this Court finds that there is no much difference in the compensation amount, since on a different date, a sum of Rs.25,000/- was awarded to the claimants and a sum of Rs.5,000/- was awarded in excess for funeral expenses.

5. Therefore, we hold that there is no ground to interfere with the award passed by the Tribunal. Accordingly, the Civil Miscellaneous Appeal is dismissed. In the event that the amount is not deposited, the Insurance Company is directed to deposit the same within a period of four weeks from the date of receipt of a copy of this order. Upon such deposit, the compensation amount shall be disbursed to the claimants in accordance with the proportion fixed by the Tribunal. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

[G.J., J.] & [R.P., J.]

28.03.2025

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

Nsr



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To:

1.The Motor Accident Claims Tribunal,
IV Additional District Judge, Tirunelveli.

Copy to:

1.The Section Officer,
ER/VR Section,
Madurai Bench of Madras High Court,
Madurai.



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DR.G.JAYACHANDRAN, J.

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