

(2017) 11 MAD CK 0066
In the Madras High Court
Case No : 687 of 2016

B.Chitra, & Anr.

APPELLANT

Vs

S.Ganesh Babu, & Ors.

RESPONDENT

Date of Decision : 13-11-2017

Acts Referred:

Citation : (2017) 11 MAD CK 0066

Hon'ble Judges : G.R.Swaminathan

Bench : SINGLE BENCH

Advocate : G.R.Swaminathan

Final Decision : Allowed

Judgement

1. Heard the learned counsel for the parties.
2. The claimants have filed this appeal seeking enhancement of the quantum of compensation.
3. The husband of the first appellant and father of the second appellant died in an accident that took place on 10.04.2012 involving a car insured with the second respondent herein. The deceased was working as a mechanic. He was aged about 24 years at the time of accident. Including his mother, there were three dependants. The accident had occurred in the year 2012. Therefore, the monthly income can be taken as Rs.6,000/-. Future prospects will have to be added. Therefore, the monthly income should be considered as Rs.7,500/-. Applying multiplier and effecting 1/3 deduction, the pecuniary loss will come to Rs. 10,80,000/-. Adding damages under the conventional heads, it will come to Rs.11,50,000/-. Therefore, the compensation awarded by the tribunal is enhanced from Rs.4,86,200/- to Rs.11, 50,000/-. The award dated 28.08.2014 made in MCOP.No.86 of 2012 on the file of the Motor Vehicles Accident Claims Tribunal / Additional District and Sessions Court, Theni at Periyakulam is accordingly modified.

4. The second respondent insurance company is directed to pay Rs.11,50,000/- with interest at the rate of 7.5% per annum and costs, within a period of twelve weeks from the date of receipt of a copy of this order, less the amount already deposited if any. On such deposit, the first appellant is entitled to Rs.4,50,000/- with proportionate interest and costs and she is permitted to withdraw the same by filing proper application before the Tribunal. The third respondent, mother of the deceased is entitled to Rs.2,50,000/- with proportionate interest and she is also permitted to withdraw the same by filing proper application before the Tribunal. The balance amount of Rs.4,50,000/- is directed to be deposited in any one of the nationalized banks in the name of the minor second appellant till she attains majority and the first appellant, who is the natural guardian is permitted to withdraw the accrued interest periodically once in three months directly from the bank.

5. This civil miscellaneous appeal is partly allowed. No costs.