
(2017) 10 MAD CK 0122
In the Madras High Court
Case No : 278 of 2015

B.Rajkumari, & Ors.

APPELLANT

Vs

M.Muthulakshmi, & Anr.

RESPONDENT

Date of Decision : 12-10-2017

Acts Referred:

Citation : (2017) 10 MAD CK 0122

Hon'ble Judges : G.R.Swaminathan

Bench : SINGLE BENCH

Advocate : G.R.Swaminathan

Final Decision : Allowed

Judgement

1. The claimants have filed this Civil Miscellaneous Appeal seeking enhancement of compensation awarded in MCOP.No.372 of 2009, dated 23.12.2011 on the file of the Motor Accident Claims Tribunal, Principal District Court, Pudukkottai.

2. The case of the claimants is that one Balu the husband of the first appellant herein and father of the other appellants met with an accident involving the vehicle belonging to the first respondent herein. He died on 16.09.2008. He was aged about 47 years. He was a self employed mechanic and broker. The offending vehicle was insured with the second respondent. The Tribunal found that the accident took place on account of the rash and negligent driving of the driver of the vehicle belonging to the first respondent. The Tribunal directed the second respondent insurance company to pay a sum of Rs.2,92,800/- with interest. Due apportionment was also made. Aggrieved by the same and for quantum of compensation, this appeal has been filed.

3. It is seen that no income proof was furnished before the Tribunal. But, it fixed his monthly income at Rs.2,700/-. This ridiculously low. The monthly income of the deceased ought to have been fixed at Rs.6,000/-. Deducting one third towards his personal expenses, he would have spent a sum of Rs.4,000/- on the claimants per month.

4. Therefore, the loss of income will have to be computed at Rs.4,000 x 12 x 13 = Rs.6,24,000/-. The first appellant has lost her husband. A sum of Rs.1,00,000/- can be given towards loss of consortium. The three children are entitled to damages for loss of love and affection. This can be quantified at Rs.1,20,000/-. A sum of Rs.25,000/- can be awarded towards funeral expenses. Thus, the total compensation amount would come to Rs.8,69,000/-.

5. In the result, the award made in MCOP.No.372 of 2009, dated 23.12.2011 passed by the Motor Accident Claims Tribunal, Principal District Court, Pudukkottai is modified as indicated above. The second respondent insurance company is directed to deposit the balance amount within a period of twelve weeks from the date of receipt of a copy of this order. On such deposit, the claimants are permitted to withdraw the same with accrued interest for filing an appropriate application before the Tribunal. This Civil Miscellaneous Appeal is allowed. No costs.