

(2001) 11 MAD CK 0071

In the Madras High Court

Case No : A.A.O. No. 1371 of 2001 and C.M.P. No. 18061 of 2001

Branch Manager, National Insurance Co. Ltd.

APPELLANT

Vs

Pappa and Others

RESPONDENT

Date of Decision : 20-11-2001

Acts Referred:

Citation : (2003) ACJ 600

Hon'ble Judges : K. Gnanaprakasam, J

Bench : Single Bench

Advocate : K.S. Narasimhan, for the Appellant; A. Sivaji, for the Respondent

Final Decision : Allowed

Judgement

K. Gnanaprakasam, J.—National Insurance Co. Ltd., represented by its Branch Manager, Sivakasi, preferred this appeal as against the award dated 1.3.2001 passed by the Motor Accidents Claims Tribunal (Principal, District Judge), Virudhunagar District at Srivilliputhur, in M.C.O.P. No. 354 of 1999.

2. The deceased was a load-man, aged 18 years and was unmarried. Respondent Nos. 1 and 2, who are the claimants, are the widowed mother and unmarried sister. The Tribunal fixed the monthly dependency at Rs. 2,100 and adopted a multiplier of 14 and arrived the compensation payable at Rs. 3,52,800. The only grievance of the appellant is that the Tribunal has not deducted any amount towards the personal expenses of the deceased.

3. But, however, the learned advocate appearing for the respondents would submit that the deceased was a bachelor and he would not have any personal expenses.

4. We are not in a position to accept the case of the respondents-claimants. Even though the deceased was a bachelor, naturally he would have had some personal expenses and the Tribunal should have deducted some amount towards his personal expenses.

5. Fixing the monthly income that could have been earned by the deceased at Rs. 2,100, 1/3rd amount should have been deducted for his personal expenses and after doing so, the monthly dependency would come to Rs. 1,400. However, I fix the monthly dependency at Rs. 1,500. The annual dependency would come to Rs. 18,000. The multiplier of 14 adopted by the Tribunal does not appear to be incorrect and applying the very same multiplier, the compensation payable would come to Rs. 2,52,000. A sum of Rs. 2,000 was awarded by the Tribunal towards the funeral expenses and the same is hereby confirmed and another sum of Rs. 18,000 is awarded towards loss of love and affection by the mother and the sister, as the deceased was the sole breadwinner of the family. The total compensation payable would come to Rs. 2,72,000 (Rs. 2,52,000 + Rs. 2,000 + Rs. 18,000). However, the total compensation payable is fixed at Rs. 2,75,000.

6. In the result, this C.M.A. is allowed to the extent that the amount awarded by the Tribunal is reduced from Rs. 3,57,300 to Rs. 2,75,000, which amount shall carry interest at 9 per cent per annum from the date of the petition. No costs. The appellant herein is hereby directed to deposit the said amount within eight weeks from the date of this order. C.M.P. No. 18061 of 2001 is closed.