

(2017) 11 MAD CK 0060
In the Madras High Court
Case No : 363 of 2015

Karunalaya Pandian, & Anr.

APPELLANT

Vs

Ganesan, & Anr.

RESPONDENT

Date of Decision : 10-11-2017

Acts Referred:

Citation : (2017) 11 MAD CK 0060

Hon'ble Judges : G.R.Swaminathan

Bench : SINGLE BENCH

Advocate : G.R.Swaminathan

Judgement

1. The claimants have filed this Civil Miscellaneous Appeal seeking enhancement of compensation awarded to them by order dated 08.03.2012 made in MCOP.No.1000 of 2010 on the file of the Motor Accident Claims Tribunal, Principal District Judge, Tirunelveli.

2. The son of the appellants died in the accident that took place on 23.05.2010. When he was riding a two wheeler, a Maruti Alto car bearing Registration No.TN 72 AD 4189 insured with the second respondent herein dashed against the two wheeler. Crime No.162 of 2010 was registered against the car driver. The Tribunal held that the accident took place on account of the rash and negligent driving of the car driver.

3. Since the said car was insured with the second respondent herein, the second respondent was made liable to satisfy the award. The deceased was aged about 28 years. He was working as Office Assistant in a private company. He was a bachelor. The Tribunal awarded a sum of Rs.3,79,000/- by applying the multiplier 9. The multiplier 9 was fixed by taking into account of the age of the parents/dependents. It has been now clarified by the Hon''ble Supreme Court of India that the age of the deceased will have to be taken to adopt the multiplier method. Therefore, on the very face of it, the award passed by the Tribunal will have to be modified.

4. The appellant has restricted his claim to a sum of Rs. 3,00,000/-. The value of the appeal is Rs.3,00,000/-. Therefore, this appeal is liable to be allowed. Therefore, the compensation payable to the claimants is enhanced from a sum of Rs.3,79,000/- to Rs.6,79,000/-.

5. The second respondent insurance company is directed to deposit the entire compensation amount with interest at the rate of 7.5% per annum from the date of petition till the date of realization and costs, within a period of eight weeks from the date of receipt of a copy of this order, less the amount already deposited if any. On such deposit, the claimants are permitted to withdraw the said amount as apportioned by the Tribunal, less the amount already withdrawn by them, if any, by filing proper application.