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(2015) 04 MAD CK 0029

In the Madras High Court

Case No : CMA No. 620 of 2005 and M.P. No. 1 of 2015

M/s. Royal Sundaram Alliance Insurance Co. Ltd. APPELLANT

Vs

N. Kannan RESPONDENT

Date of Decision : 13-04-2015

Acts Referred:
Motor Vehicles Act, 1988 — Section 173

Citation : (2016) 2 AnWR 536

Hon'ble Judges : Mr. N. Kirubakaran, J.

Bench : Single Bench

Advocate : Mr. N. Vijayaraghavan, Advocate, for the Appellant

Final Decision : Disposed Off

Judgement

Mr. N. Kirubakaran, J. - The appeal has been filed by the insurance company challenging the compensation of Rs.9,01,000/- awarded by the tribunal for the death of one K. Ashok Kumar aged about 21 years, a labour claim to have earned a sum of Rs.12,500/- as salary including a sum of Rs.100/- per day as batta, in the accident which occurred on 08.04.2012.

2. Heard Mr. M.B. Gopalan, learned counsel appearing for the appellant / insurance company and perused the records.

3. The only question to be decided is the quantum of compensation awarded by the tribunal. The learned counsel appearing for the appellant/insurance company would submit that the deceased was a bachelor and therefore 50% of his income has to be deducted towards his personal expenses, however the tribunal had deducted only ?rd towards his personal expenses and therefore the said amount has to be modified accordingly. A perusal of the records would show that though Rs.9,500/- was claimed as the monthly income of the deceased, since the salary of the deceased was not proved as per Ex.P6 through proper evidence, the tribunal had determined the monthly income as Rs.6,000/-.

4. As rightly contended by the learned counsel for the appellant, the tribunal has

deducted only ?rd towards personal expenses of the decease. However, no amount has been added towards future prospects and therefore the said amount which is required to be deducted by way of 50% is offset by way of non-awarding of any amount towards future prospects. Therefore, taking into consideration Rs.6,000/- as the monthly income and deducting ?rd towards personal expenses and adopting multiplier 18, as per the age of the deceased, Rs.8,64,000/- was rightly fixed by the tribunal under the head loss of income. Moreover, the tribunal has awarded Rs.20,000/- towards loss of love & affection, Rs.10,000/- towards loss of expectation of life, Rs.7,000/- towards funeral and transportation expenses which appears to be reasonable. Hence, in my considered opinion, the amount of compensation awarded by the tribunal at Rs.9,01,000/- along with interest @ 7.5% from the date of petition till the date of deposit seems to be very reasonable and hence the same is confirmed.

5. In the result, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

6. The appellant/insurance company is directed to deposit the entire award amount along with interest and costs, as per the order of the tribunal, within a period of four weeks from the date of receipt of a copy of this order. On such deposit, the respondents/claimants 1 and 2 are permitted to withdraw the amount as per the ratio fixed by the tribunal.

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