

(2017) 01 MAD CK 0290

In the Madras High Court

Case No : 7 of 2016 and C M P(MD)Nos 111 and 12367 of 2016

Reliance General Insurance Company Limited

APPELLANT

Vs

M.Santhi, & Ors.

RESPONDENT

Date of Decision : 11-01-2017

Acts Referred:

Citation : (2017) 01 MAD CK 0290

Hon'ble Judges : N.Kirubakaran

Bench : SINGLE BENCH

Advocate : N.Kirubakaran

Final Decision : Allowed

Judgement

1. This Civil Miscellaneous Appeal has been filed by the appellant-Insurance Company against the award of Rs.14,26,500/- (Rupees Fourteen Lakhs Twenty Six Thousand and Five Hundred only) for the death of one M.Ravikumar, aged about 19 years, First Year - B.Sc., (Maths) student, in the accident occurred on 02.05.2012, when he was riding his bicycle on Madurai - Dindigul Main Road in the east-west direction, the bus owned by the fourth respondent herein insured with the appellant-Insurance Company driven in a rash and negligent manner came behind and hit the bicycle causing the accident.

2. Heard Mrs.K.R.Shiva Shankari, learned Counsel appearing on behalf of Mr.S.Srinivasa Raghavan, learned Counsel for the appellant-Insurance Company and Mr.M.Sarangan, learned Counsel for the respondents 1 to 3/claimants.

3. The only question to be decided is with regard to the quantum of compensation.

4. The deceased student died as a bachelor and therefore, 50% has to be deducted towards his personal expenses. However, the Tribunal taking a sum of Rs.6,000/- (Rupees Six Thousand only) as monthly income and adding Rs.3,000/- (Rupees Three Thousand only) being 50% towards future prospects,

determined the monthly income of the deceased at Rs.9,000/- (Rupees Nine Thousand only) and after deducting 1/3rd amount towards his personal expenses and adopting the multiplier "18", determined the loss of income at Rs.12,96,000/- (Rupees Twelve Lakhs and Ninety Six Thousand only) [Rs.6,000/- X 12 X 18].

5. For the death of a bachelor, 50% has to be deducted which is the settled law by the Honourable Supreme Court, whereas the Tribunal deducted 1/3rd amount alone and therefore, the deduction towards personal expenses is enhanced from 1/3rd to 50%. If 50% is deducted from Rs.9,000/- (Rupees Nine Thousand only), the monthly income of the deceased would be Rs.4,500/- (Rupees Four Thousand and Five Hundred only) and by applying the multiplier "18", the loss of income would be Rs.9,72,000/- (Rupees Nine Lakhs and Seventy Two Thousand only) [Rs.4,500/- X 12 X 18].

6. The Tribunal rightly awarded a sum of Rs.1,00,000/- (Rupees One Lakh only) towards loss of love and affection to the respondents 1 to 3/claimants and the same is confirmed.

7. Similarly, the amounts awarded under the other heads, viz., a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) towards funeral expenses; a sum of Rs.5,000/- (Rupees Five Thousand only) towards transportation charges and a sum of Rs. 500/- (Rupees Five Hundred only) towards damage to clothes and articles, are all reasonable and they are confirmed. Accordingly, the respondents 1 to 3/claimants are entitled to the total compensation of Rs.11,02,500/- (Rupees Eleven Lakhs Two Thousand and Five Hundred only).

8. The rate of interest awarded by the Tribunal at 7.5% per annum remains unaltered.

9. In the result, (i) This Civil Miscellaneous Appeal is partly allowed, reducing the award of Rs.14,26,500/- (Rupees Fourteen Lakhs Twenty Six Thousand and Five Hundred only) to a sum of Rs.11,02,500/- (Rupees Eleven Lakhs Two Thousand and Five Hundred only);

(ii) The respondents 1 to 3/claimants are entitled to a sum of Rs.11,02,500/- (Rupees Eleven Lakhs Two Thousand and Five Hundred only) along with interest at the rate of 7.5% per annum from the date of petition till date of realisation and proportionate costs as per the apportionment made by the Tribunal;

(iii) Since the appellant-Insurance Company already deposited 50% of the award amount, the respondents 1 to 3/claimants are permitted to withdraw their respective share from the amount deposited before the Tribunal;

(iv) The appellant-Insurance Company is directed to transfer the balance award amount along with accrued interest and proportionate costs to the respective Personal Savings Bank Account Numbers of the respondents 1 to 3/claimants, less the amount already deposited, if any, through RTGS/NEFT system, after getting the Account Details of the respondents 1 to 3/claimants by the Officials of

the appellant-Insurance Company, within a period of four weeks from the date of receipt of a copy of this judgment; and

(v) In the facts and circumstances of the case, there shall be no order as to costs. Consequently, the connected civil miscellaneous petitions are closed.