



TAMIL NADU STATE JUDICIAL ACADEMY - REGIONAL CENTRE, MADURAI

Webinar-XXIV on “Motor Accident Claims : Assessment of Quantum in Injury and Fatal Cases”

26.02.2022

Event Report

The Programme commenced with the Welcome Address by Mr. S. Muthu Maharajan, Deputy Director of the Tamil Nadu State Judicial Academy, Regional Centre, Madurai. He extended his warm welcome to the Resource Person Mr. S. Srinivasa Raghavan, Advocate, Madurai Bench of Madras High Court and also to the Participants.

The Resource person Mr. S. Srinivasa Raghavan covered the given subject extensively in a limited time. He explained the eligible heads of compensation in Fatal and Injury cases with relevant and recent judgments through a Power Point Presentation.

The Resource Person emphasized that, in a Fatal case, the following heads of compensation can be awarded based on the facts and circumstances of each case. They are; 1. Loss of Future Income / Loss of Dependency; 2. Loss of Earning during the period of Treatment (when the injured victim died later); 3. Medical Expenses if the death is not instant; 4. Transport Charges; 5. Extra Nourishment if death occurred later; 6. Funeral Expenses; 7. Loss of Life Estate; 8. Loss of Consortium/ Love and Affection and 9. Loss on account of loss of future prospects. He elaborately dealt with each heading with relevant caselaws.

The Resource Person also deliberated that, in case of Injury, the following heads of compensation can be awarded based on the facts and circumstances of each case.

They are, a) Loss of earning during the period of treatment – total and partial; b) Transportation Expenses; c) Medical Expenses –What was spent; d) Medical Expenses – Future/ Continuous – based on evidence and otherwise; e) Loss of Amenities; f) Attendant Charges; g) Pain and suffering; h) Artificial Limb / Prosthesis – Actual, Maintenance and Replacement; i) Extra Nourishment; j) Disability / Loss of Earning Capacity and k) Damages to Clothing and Articles.

The Resource Person also focused on the recent Amendment to the Motor Vehicle Act, 2019 and the provisions which came into force; Recent Judgments on the aspect of definition of Third party and Legal Representatives; Contra judgments in Personal Accident coverage; Split Multiplier; Child victims and Child death; Death of Unborn Child; Death of House wives; Death of Bachelor; Married Daughters; Deduction of Income Tax; Filial/Parental/Spousal Consortium; Notional Income with Inflation Index Formula and Amendment in the Second Schedule of MV Act.

A very wide range topic was covered exhaustively by the Resource Person within a limited time. The participants raised some queries and they were answered by the Resource Person. At the end of the programme, the Deputy Director had offered his Vote of Thanks.
