IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2015

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THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

C.M.A. No. 1421 of 2015

E. Mannammal
Elumalai (Died) ..Appellant

Vs.

The Managing Director,
Metropolitan Transport Corp. Ltd.,
Anna Salai, Chennai - 2. ..Respondent

Prayer: Civil Miscellaneous Appeal as against the judgment and decree dated 12.01.2012 passed in M.C.O.P. No. 3803 of 2007 by the Motor Accidents Claims Tribunal (Chief Judge, SCC), Chennai.

For Appellant :: Mr.T.G. Ravichandran

For Respondent :: Mr.S. Sampath

J U D G M E N T

This Civil Miscellaneous Appeal has been preferred by the claimant as against the award of Rs. 3,63,500/- passed by the Motor Accidents Claims Tribunal (Chief Judge, Court of Small Causes), Chennai, for the death of one Bhaskar @ Padayappa, aged about 28 years, who was working as tea master and Salesman, alleged to be earning about Rs.250/- per day, in the accident, which occurred on 08.07.2007.

2. Heard Mr. T.G. Ravichandran, learned counsel for the appellant and Mr.S. Sampath, learned counsel for the respondent Transport Corporation.

3. The only question to be decided is with regard to the quantum of compensation as the Transport Corporation has not preferred any appeal with regard to liability.

4. Though it was claimed by the claimant that the deceased was earning Rs.250/- per day and Rs.7500/- per month, the Tribunal determined the monthly income of the deceased at Rs.4500/- and the same is confirmed. However, the Tribunal did not award any amount

towards "Future Prospects". Therefore, considering the age of the deceased, 50% is added towards "Future Prospects" in the light of the judgment of the Honourable Apex Court rendered in Sarla Verma's case, (2009 2 TN MAC 1 (SC)) and the total monthly income would be,

Total Monthly Income	::	Rs.4500/- (+) 50% (Rs.4500/-)
	::	Rs.6750/-

Since the deceased was a bachelor, the Tribunal rightly deducted 50% towards "Personal Expenses". Accordingly, deducting 50% towards "Personal Expenses", the "Monthly Contribution of the deceased to his family" is calculated as hereunder:

Total Monthly Income	::	Rs.6,750/-
Less: 50% towards "Personal Expenses"	::	Rs.6,750/- (-) 50% (Rs.6,750/-)
Monthly contribution of the deceased to his family	::	Rs.3,375/-

5. While choosing multiplier, the Tribunal erred in choosing multiplier 13 as per the age of the mother of the deceased and the choice of multiplier has to be according to the age of the deceased as held by the Honourable Apex Court in Amrit Bhanu Shali V. National Insurance Company Limited reported in 2012 11 SCC 738. In the light of the said judgment, this Court re-determines the multiplier to be adopted, as per the age of the deceased, namely, 17 and applying the same, "Loss of Income" is,

Loss of Income	::	Rs.3375 x 12 x 17
	::	Rs.6,88,500/-

6. As far as other heads are concerned, only a sum of Rs.2500/- was awarded towards "Funeral Expenses" and no amount was awarded towards "Transport Charges". Hence, a sum of Rs.15,000/- is awarded cumulatively towards "Funeral and Transport Expenses". The amount awarded towards "Loss of Love and Affection" namely, Rs.10,000/- is too low and the same is enhanced to Rs.25,000/-. In all, a sum of Rs. 7,28,500/- rounded off to Rs.7,30,000/- is payable as compensation to the appellant. The rate of interest awarded by the Tribunal at 7.5% per annum remains unaltered.

7. The respondent Transport Corporation is directed to deposit the entire amount, as per the modified award passed by this Court, with interest and costs, after deducting the amount already deposited, if any, before the Tribunal, within a period of six weeks from the date of receipt of a copy of this order failing which the

the Chairman cum Managing Director and Financial Advisor cum Chief Accounts Officer of the respondent Transport Corporation shall appear before this Court on expiry of the said period. On such deposit being made, the appellant/claimant is permitted to withdraw the entire amount. The appellant shall also pay additional court-fee for the enhanced amount.

8. In the result, the Civil Miscellaneous Appeal is allowed and the award passed by the Tribunal, to the tune of Rs.3,63,500/- is enhanced to Rs.7,30,000/- with interest @ 7.5% per annum. No costs.

27.07.2015

This Appeal came for hearing on 5.8.2015 under the caption "For Being Mentioned" in pursuant to the order dated 27.7.2015 and upon hearing the above said counsel on both sides, the Court made the following Order:-

Order clarified.

No further orders necessary.

05.08.2015

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

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To

1.The Chief Judge,
The Motor Accident Claims Tribunal,
Small Causes Court, Chennai

2.The Chairman-cum-Managing Director,
Metropolitan Transport Corporation Ltf.,
Anna Salai, Chennai - 600 002.

3.The Financial Advisor-cum- Chief Accounts Officer,
Metropolitan Transport Corporation Ltd.,
Anna Salai, Chennai - 600 002.

1 cc to Mr. S. Sampath , Advocate Sr.No.38857
1 cc to Mr.T.G. Ravichandran , Advocate Sr.No.38500

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pmk.26.8.2015