

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.07.2015

Coram :

The Hon'ble Mr.Justice N.KIRUBAKARAN

C.M.A.No.1591 of 2015
and M.P.No.1 of 2015

The Managing Director
Tamil Nadu State Transport
Corporation Limited,
Villupuram.

.. Appellant / Respondent

vs

1. I.Parvathy
2. I.Archana
3. I.Vandhana
4. I.Sangeetha

..Respondents / Petitioners

Civil Miscellaneous Appeal filed u/s 173 of Motor Vehicles Act against the judgment and decree passed by the Motor Accident Claims Tribunal, 3rd Additional District Court, Poonamallee, Tiruvallur District in MCOP No.713/2012 dated 13.08.2014.

For Petitioner : Mr.P.Paramasivados

For Respondents : Mr.C.Prabakaran

J U D G M E N T

The appeal has been preferred by the transport corporation against the award of Rs.12,15,000/- as compensation for the death of one Inbasekar, aged about 51 years, a sub-contractor alleged to be earning about of Rs.20,000/- per month, who died in the accident occurred on 23.6.2012.

2. Heard Mr.P.Paramasivados, learned counsel appearing for the appellant/transport corporation and Mr.C.Prabakaran, learned counsel appearing for the respondents/claimants.

3. Though Mr.P.Paramasivados, very strenuously argued that Rs.10,000/- per month determined by the tribunal as monthly income of the deceased is on the higher side in the absence of any material evidence, taking into consideration the deceased being a contractor definitely would have earned not less than Rs.10,000/- per month. Moreover, he is an experienced person aged about 51 years. Though

the claimants claimed a sum of Rs.20,000/- as monthly salary of the deceased as per Ex.P9-salary details, the tribunal, very pragmatically fixed Rs.10,000/- as the monthly income and deducted 1/4th towards personal expenses as the family consist of four members. Adopting multiplier 11, as per the age of the deceased, the tribunal rightly determined the loss of income at Rs.9,90,000/- in the following manner-

$$\text{Rs.10,000} \times 12 = 1,20,000 \times \frac{3}{4} \times 11 = \text{Rs.9,90,000/-}$$

4. Though the first respondent/claimant is entitled to Rs.1,00,000/- towards consortium, considering the over all award of Rs.12,15,000/- awarded by the tribunal, this court is not inclined to separately award Rs.1,00,000/- towards loss of consortium. However, Rs.1,00,000/- awarded towards loss of estate to the claimants is confirmed. Similarly, Rs.25,000/- awarded towards funeral expenses, Rs.25,000/- towards loss of consortium to first respondent, Rs.25,000/- each towards loss of love & affection to the respondents/claimants 2 to 4 are very reasonable and hence they are confirmed. Thus, the amount of Rs.12,15,000/- alongwith interest @ 7.5% per annum awarded by the tribunal is confirmed.

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

6. The appellant is directed to deposit the entire amount awarded by this Court, alongwith interest and costs, within a period of six weeks from the date of receipt of a copy of this order. On such deposit, the respondents/claimants are permitted to withdraw their respective shares alongwith proportionate interest and costs, on the basis of ratio fixed by the tribunal. In the event of failure on the part of the appellant/Transport Corporation to deposit the entire award amount alongwith interest and costs, on the aforesaid date, the Chairman cum Managing Director, the Financial Advisor and Chief Accounts Officer shall appear before this Court on the said date.

Post the matter for compliance on 22.09.2015.

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Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

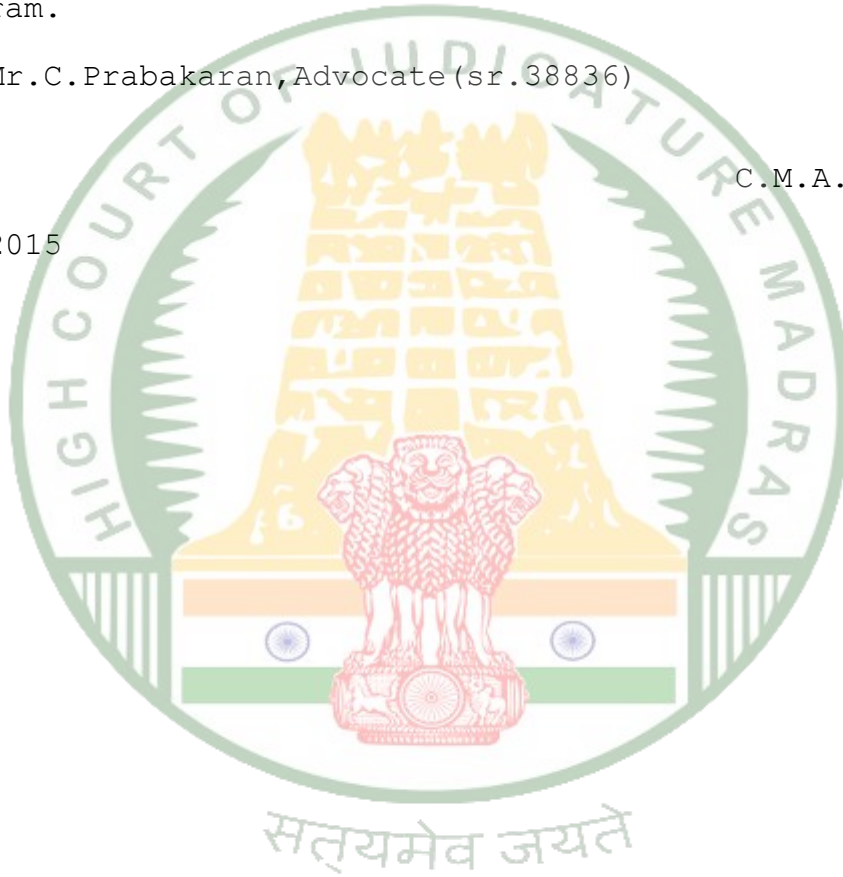
1.The 3rd Additional District Court,
Motor Accident Claims Tribunal,
Poonamallee,
Tiruvallur.

2.The Chairman Cum Managing Director,
The Financial Advisor and Cheif Accounts Officer,
Tamil Nadu State Transport Corporation,
Villupuram.

+1 cc to Mr.C.Prabakaran,Advocate(sr.38836)

NM(co)
cp 14/09/2015

C.M.A.No.1591 of 2015



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