

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2015

CORAM :

THE HONOURABLE MS.JUSTICE K.B.K.VASUKI

CMA.No.1634 of 2015
and MP.No.1 of 2015

The Managing Director,
Tamil Nadu State Transport Corporation Limited
Bharathipuram, Dharmapuri ...Appellant/Respondent

Vs.

1.Pramila
2.Minor Srinivas
3.Minor Divya
(Minors rep by thier next friend and mother Pramila)
4.Pedda Chinnamma ...Respondents/Petitioners

Prayer:- Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicle Act, 1988 to set aside the judgment and decree passed by the Motor Accident Claims Tribunal, Subordinate Judge, Hosur made in MCOP.27 of 2011 dated 28.02.2013.

For Appellant : Mr.D.Venkatachalam
For Respondents : Mr.Mukund R.Pandian

JUDGMENT

The Tamil Nadu State Transport Corporation is the appellant herein. The present appeal is filed against the award of compensation of Rs.8,80,000/- payable with interest to the respondents/legal representatives of the deceased Yellappa who is the victim of the fatal accident involving the vehicle belonging to the Transport Corporation.

2.In this appeal, the only grievance raised is that the multiplier adopted for determining future loss of dependency of the legal representatives is 16 instead of 15. It is argued so by relying upon the judgment of the Hon'ble Apex Court reported in 2009 (1) SCC 163 : 2009 (1) TNMAC 1 - Sarala Verma v. Delhi Transport Corporation.

3.Though this Court is bound by the principle laid down by the Hon'ble Apex Court, the same is not applicable to the facts of the

present case. In the case in hand, the deceased was on the date of accident aged about 38 years and the multiplier provided under second Schedule for the age group between 35 and 40 years is 16. The claimants are the wife, minor children and mother of the deceased. Considering the factors as stated above, this Court is of the view that the Tribunal adopted the correct multiplier for determining the loss of dependency of the claimants. The learned counsel for the appellant is not able to make out any other ground to interfere with other findings of the Tribunal. As such, the appeal is not liable to be entertained.

4. In the result, the civil miscellaneous appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed. Time for depositing the amount is four weeks from the date of receipt of copy of this judgment. On such deposit, the respondents are permitted to withdraw the entire award amount with interest and costs by filing cheque petition before the Tribunal.

-sd/-

ASSISTANT REGISTRAR (CS-II)

/ TRUE COPY /

SUB-ASSISTANT REGISTRAR

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To

The Motor Accident Claims Tribunal, Subordinate Judge, Hosur

+1 CC to Mr.D.Venkatachalam Advocate. SR.NO. 41073

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CMA.No.1634 of 2015

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JD 13/10/2015