

In the High Court of Judicature at Madras

Dated : 26.6.2015

Coram :

The Honourable Mr.Justice V.RAMASUBRAMANIAN

and

The Honourable Mr.Justice T.MATHIVANAN

Civil Miscellaneous Appeal No.1612 of 2014 and M.P.Nos.1 & 2 of 2014 & 1 of 2015

1.The Director General of Police,
Tamilnadu, Chennai.

2.The Superintendent of Police,
Perambalur District, Perambalur.

...Appellants

Vs

1.Mrs.Tamilselvi
2.Mrs.Abirami
3.C.Anbarasi
4.C.Ramprakash

...Respondents

APPEAL under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 26.9.2013 made in M.C.O.P.No.4379 of 2011 on the file of the Motor Accidents Claims Tribunal (Court of Small Causes), Chennai.

For Appellants : Mr.M.Venugopal, SGP (CS)

For Respondents : Mr.K.Varadha Kamaraj

JUDGMENT WAS DELIVERED BY V.RAMASUBRAMANIAN,J

This appeal is by the State of Tamil Nadu represented by the Director General of Police, questioning the correctness of the award passed by the Motor Accidents

Claims Tribunal.

2. Heard Mr.M.Venugopal, learned Special Government Pleader (CS) for the appellants and Mr.K.Varadha Kamaraj, learned counsel for the respondents.

3. In a road traffic accident that happened on 21.8.2008, the Deputy Superintendent of Police, who was travelling in his official car, died. His wife and children lodged a claim for compensation in a sum of Rs.35 lakhs. The Tribunal, by an award dated 26.9.2013, granted a compensation of Rs.17,92,945/-. Aggrieved by the said award, the State is on appeal.

4. Mr.M.Venugopal, learned Special Government Pleader took pains to point out that the accident occurred due to the rash and negligent driving on the part of the driver of the official vehicle.

5. But unfortunately, the eyewitness account, as narrated by P.W.2, was very clear. Though the driver was examined as R.W.1, it was made out through oral evidence that the accident occurred after midnight, almost at about 1.00 Hrs on 21.8.2008. The version of the eyewitness was that the tyre got burst and the vehicle was not brought under control by the driver. Therefore, we are of the considered view that the finding about rash and negligent driving does not call for any interference.

6. That leaves us with the question of quantum. The deceased was employed as the Deputy Superintendent of Police at the time of accident. Ex.C.1 series were the pay certificates. They disclosed that the deceased was in receipt of a salary of Rs.38,575/- per month. He was aged 56 years at the time of accident. Therefore,

the Tribunal adopted the multiplier of 9. This is perfectly valid in the eye of law. Therefore, the quantum of loss of dependency worked out by the Tribunal, after multiplying the monthly income less income tax by 9 and after deducting 1/4th of the income towards expenses, is in accordance with the law laid down by the Supreme Court.

7. The Tribunal awarded only Rs.25,000/- towards loss of consortium to the first claimant. As a matter of fact, the loss of consortium should have been much more. Hence, we are of the considered view that the total amount awarded by the Tribunal in a sum of Rs.17,92,945/- for the death of a Deputy Superintendent of Police, while in service, cannot be said to be of a higher order.

8. Accordingly, the civil miscellaneous appeal is dismissed. No costs. Consequently, the above MPs are also dismissed.

9. The appellants are granted twelve weeks time to deposit the balance award amount together with interest and costs, before the Tribunal.

26.6.2015

Internet : Yes

To
The Registrar, Small Causes Court, Chennai.

RS

V.RAMASUBRAMANIAN,J
AND
T.MATHIVANAN,J

RS

CMA(NPD)No.1612 of 2014 &
MP.Nos.1 & 2 of 2014 & 1 of
2015

26.6.2015