

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.7.2015

CORAM:

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

CMA.No.431 of 2015

1) Chellammal
2) Seenu

... Appellants

Vs

M/s.The Managing Director,
Tamilnadu State Transport Corporation
(Kumbakonam-1) Limited, Trichy Region.

... Respondent

The Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act 1988 against the Judgement and Decree dated 31.07.2012 and made in M.A.C.T.O.P.No.78 of 2008 on the file of the Motor Accident Claims Tribunal, in the Court of XV Additional Judge, Chennai.

For Appellants : Mr.V.Velu
For Respondents : Mr.Ramar
for Mr.D.Venkatachalam

JUDGMENT

The appeal has been preferred by the claimants aggrieved over the quantum of compensation of Rs.3,31,240/- for the death of their Minor Son namely Saravanan aged about 6 years studied Standard, in the accident occurred on 13.8.2007.

2. Heard Mr.Velu learned counsel appearing for the appellants and Mr.D.Venkatachalam, learned counsel appearing for the respondent, the Tamil Nadu State Transport Corporation.

3. The only question to be decided in this appeal is with regard to the quantum of compensation, as there is no appeal by the Transport Corporation. Hence, the finding rendered by the Tribunal with regard to the liability already attained finality. The Tribunal

taking Rs.15,000/- per annum as notional income of the deceased and as per Second Schedule of the Motor Vehicles Act applying multiplier-15 as per the age of the parents, including Transportation expenses and loss of love and affection under conventional headings, awarded Rs.3,31,240/- towards compensation.

4. Under similar circumstance, the Hon'ble Supreme Court in a case Kishan Gopal & another vs. Lala L& others reported in 2013 (5) CTC 212 for a death of a minor, determined the notional income at Rs.30,000/- and adopting multiplier applicable to the mother, awarded a sum of Rs.4,50,000/- towards pecuniary loss. Towards loss of love and affection Rs.50,000/-, was awarded under Conventional heading. Totally a sum of Rs.5,00,000/- was awarded towards compensation.

5. Following the said judgement, this Court fixes Rs.30,000/- as notional income of the deceased. According to the age of the mother, namely 42, appropriate multiplier is-15 and the pecuniary loss is calculated as follows:

$$\text{Rs.30,000/-} \times 15 = \text{Rs.4,50,000/-}.$$

6. Following the said judgement, this Court awards Rs.50,000/- under conventional headings. Totally a sum of Rs.5,00,000/- is awarded along with interest at 7.5% per annum. The award amount of Rs.3,31,240/- is enhanced to Rs.5,00,000/- as stated above. The appellant is directed to deposit the entire enhanced award amount along with interest and costs after deducting the amount if any already deposited, within a period of four weeks from the date of the receipt of a copy of the order and on such deposit, the appellant is permitted to withdraw the entire enhanced award amount as per the ratio fixed by the Tribunal within one week thereafter. The appellants are directed to pay additional court fee if any. The appeal is partly allowed. No costs.

-Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

vk

To

Motor Accident Claims Tribunal, in the Court of XV Additional Judge, Chennai.

+1 cc to Mr.V.Velu, Advocate (sr.35945)

+1cc to Mr.D.Venkatachalam, Advocate (sr.35928)

C.M.A.No.431 of 2015RSI

(co)

cp 09/10/2015