

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2015

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

C.M.A. No. 437 of 2015

1. K. Arumugham
2. A. Kalavathy
3. A. Revathy ..Appellants/claimants

Vs.

The Managing Director,
Metropolitan Transport Corporation,
Pallavan Illam, Anna Salai,
Chennai - 2. ..Respondent/Respondent

Prayer: Civil Miscellaneous Appeal as against the judgment and decree dated 14.02.2011 passed in M.C.O.P. No. 756 of 2007 by the Motor Accidents Claims Tribunal (Principal District Court), Thiruvallur.

For Appellants :: Mrs. Manjula Baskar

For Respondent :: Mr.Suresh

J U D G M E N T

This Civil Miscellaneous Appeal has been preferred by the claimants aggrieved over the award of Rs.2,60,000/- for the death of one A. Manikandan, son of appellants 1 and 2 and brother of the 3rd appellant, an ITI student, aged about 20 years, in the accident, which occurred on 04.07.2007.

2. Heard Mrs. Manjula Baskar, learned counsel for the appellants and Mr. Suresh, learned counsel for the respondent.

3. The only question to be decided is with regard to the quantum of compensation awarded by the Tribunal.

4. The Tribunal, taking the annual notional income of the deceased as Rs.15,000/- and adopting multiplier 13, awarded Rs.1,95,000/- towards "Loss of Income" and together with other amounts, awarded Rs.2,60,000/- as compensation. But, the Honourable Apex Court, in the judgment rendered in Kishan Gopal and another Vs. Lala and Others reported in 2013 ACJ 2594, in respect of death of a 10 year old boy, took Rs.30,000/- as annual notional income and

adopting multiplier, as per the age of the mother, awarded Rs.4,50,000/- towards "Loss of Income" and a sum of Rs. 50,000/- towards "Conventional Damages", amounting to Rs.5 lakhs, in toto. Following the said judgment, this Court fixes Rs.30,000/- as the annual notional income of the deceased and applying multiplier 15, "Loss of Income", would be,

Loss of Income :: Rs.30,000 x 15
:: Rs.4,50,000/-

A sum of Rs.50,000/- is awarded towards "Conventional Damages". Totally, a sum of Rs.5 lakhs is awarded as compensation together with interest @ 9% per annum. The award of the Tribunal, to the tune of Rs.2,60,000/- is enhanced to Rs.5 lakhs.

5. The respondent Transport Corporation is directed to deposited the entire amount, as per the modified award passed by this Court, with interest and costs, before the Tribunal, within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, the appellants are permitted to withdraw their respective shares, as per the ratio fixed by the Tribunal, within a period of two weeks thereafter. The appellants shall pay appropriate court-fee for the enhanced compensation.

6. In the result, the Civil Miscellaneous Appeal is allowed enhancing the award granted by the Tribunal from Rs.2,60,000/- to Rs.5 lakhs. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

nv

To

The MACT (Prl. Dist. Court), Thiruvallur.

+1 cc to Mr.K.S.Suresh, Advocate sr.15236

+1 cc to Mr.D.Balaji Advocate vide sr.15268

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