

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2015

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

C.M.A. No. 566 of 2015

&

M.P. No. 1 of 2015

The Managing Director,
M/s. Tamil Nadu State Transport
Corporation
(Kumbakonam Division I) Ltd.,
Railway Station New Road,
Kumbakonam 612 001.

..Appellant

Vs.

1. T. Munusamy
2. M. Elanchiyam

..Respondents

Prayer: Civil Miscellaneous Appeal as against the judgment and decree dated 26.11.2013 passed in M.C.O.P. No. 2550 of 2012 by the Motor Accidents Claims Tribunal, (Principal District Judge), Cuddalore.

For Appellant :: Mr.D. Venkatachalam

For Respondents :: Mr.S. Partheeban

J U D G M E N T

This Civil Miscellaneous Appeal has been filed by the Transport Corporation as against the award of Rs. 3 lakhs for the death of the daughter of the respondents herein, by name, M. Divya, a 14 year old student, in the accident, which occurred on 17.03.2012.

2. Heard Mr.D. Venkatachalam, learned counsel for the appellant and Mr.S. Partheeban, learned counsel for the respondents.

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

4. The Tribunal, based on the judgment rendered in N.R. Buhari Naleem @ Buhari & others V. P. Manickam and others reported

in 2012 (2) TN MAC 843, awarded Rs.3 lakhs for the death of the aforesaid minor. However, the Honourable Apex Court, in Kishan Gopal and another v. Lala and Others reported in 2013 ACJ 2594, for the death of a 10 year old boy, fixed the annual notional income at Rs.30,000/- and adopted multiplier 15, as per the age of the mother and awarded Rs.4,50,000/- towards "Loss of Income". A further sum of Rs.50,000/- was awarded towards "Conventional Damages" and totally, a sum of Rs.5 lakhs was awarded as compensation. Following the said judgment, this Court fixes the annual notional income of the deceased, in the case on hand, at Rs.30,000/- and applying multiplier 15, as per the age of mother, namely, 37 years, "Loss of Income" is calculated thus:

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

As per the aforesaid judgment, a sum of Rs.50,000/- is awarded towards "Conventional Damages" and totally, a sum of Rs. 5 lakhs is awarded as compensation together with interest @ 7.5% per annum.

5. The appellant Transport Corporation is directed to deposit the entire amount, as per the modified award passed by this Court, after deducting the amount, if any, already deposited, with interest and costs, before the Tribunal, within a period of six weeks from the date of receipt of a copy of this order. On such deposit being made, the claimants are permitted to withdraw their respective shares, as per the ratio fixed by the Tribunal, within a period of one week thereafter. The claimants shall pay appropriate court-fee for the enhanced amount, if any.

6. In the result, the Civil Miscellaneous Appeal is dismissed and the award passed by the Tribunal, to the tune of Rs.3 lakhs is enhanced to Rs.5 lakhs. No costs. Connected M.P. is closed.

Sd/-

Assistant Registrar(CSII)

Dated:20/03/2015

True Copy

Sub Assistant Registrar

To

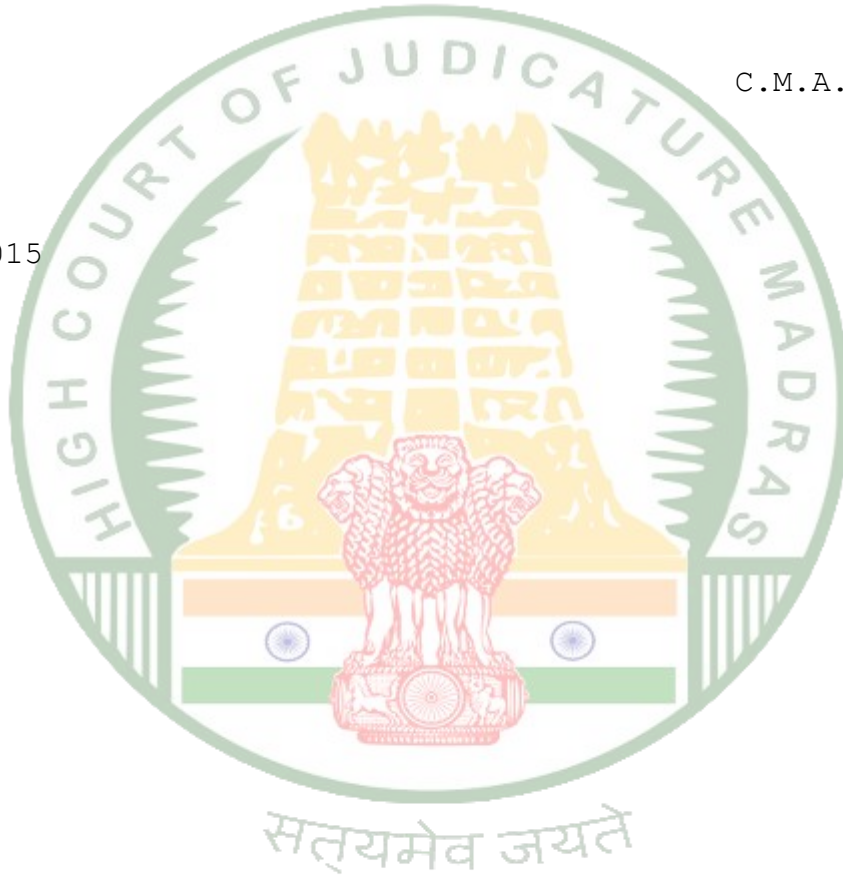
The MACT (Prl. Dist. Judge), Cuddalore.

+1 cc to Mr.S.Partheeban Advocate sr.15573

+1 cc to Mr.D.Venkatachalam Advocate sr.15749

C.M.A. No. 566 of 2015

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