

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2015

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

C.M.A.No.820 of 2015

1.Mrs.Renuka

2.Mr.Raja

... Appellants/Petitioners

vs.

The Managing Director
Metropolitan Transport Corp., Ltd.,
Anna Salai,
Chennai -2.

... Respondent / Respondent

Civil Miscellaneous Appeal has been filed under Section 173 of Motor Vehicles Act against the judgment and decree dated 19.12.2012 made in MCOP No.4485/2009 on the file of the Motor Accident Claims Tribunal, III Small Causes Court, Madras.

For Appellants : Mr.T.G.Ravichandran

For Respondent : Mr.K.S.Suresh

JUDGMENT

The appeal has been preferred by the parents of the deceased, aggrieved over the compensation awarded by the tribunal for the death of their son Muthu, aged about 15 years, who died in the accident occurred on 22.10.2009.

2. Heard Mr.T.G.Ravichandran, learned counsel appearing for the appellants and Mr.K.S.Suresh, learned counsel appearing for the respondent.

3. The only question to be decided in this appeal is with regard to the quantum of compensation awarded by the tribunal. The tribunal took Rs.15,000/- as the notional income of the deceased, as per second schedule of the Motor Vehicles Act and applying multiplier 15 as per the age of the deceased, awarded a sum of Rs.2,25,000/- as loss of income. Taking into consideration, the second scheduled annexed to 163 A was incorporated in 1994 amendment, the Hon'ble Supreme Court in Kishan Gopal & Anr vs Lala & Ors on 26 August, 2013 reported in 2013 (5) CTC 212 took Rs.30,000/- as the notional income for non-earning member, in view of the declining value of the money and rise in inflation and other parameters and applying multiplier as per the age of the mother of the deceased awarded a sum

of Rs.5,00,000/- as compensation. In the case on hand, if Rs.30,000/- is taken as the notional income and applying multiplier 15 according to the age of the mother of the deceased, the loss of income is calculated as Rs.4,50,000/- (30,000 x 15)

4. Following the above judgment of the Hon'ble Apex Court, a sum of Rs.50,000/- is awarded towards conventional heads. Thus, the award of Rs.2,55,000/- is hereby enhanced to Rs.5,00,000/-. The rate of interest awarded by the tribunal shall remain unaltered.

5. In the result, this Civil Miscellaneous Appeal is partly allowed. No costs. The respondent/transport corporation is directed to deposit the amount awarded by this Court, alongwith interest and costs, within a period of four weeks from the date of receipt of a copy of this order, less the amount already deposited, if any. On such deposit, the respondents/claimants are permitted to withdraw their share of the award amount on the basis of ratio fixed by the tribunal, after adjusting the amount already withdrawn, if any.

6. The learned counsel for the appellants/claimants is directed to pay the requisite court fee for the enhanced compensation within a period of ten days from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rgr
To
The III Judge,
Small Causes Court, .
Motor Accident Claims Tribunal,
Chennai.

+lcc to Mr.K.S.Suresh, Advocate, S.R.No.27736
+lcc to Mr.T.g. Ravichandran, Advocate, S.R.No.27925

RJ(CO)
EU(23/06/2015)

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