

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

C.M.A.NO.3531 of 2014

1.Pramila Sethi
2.Gunanidhi Sethi

...Appellants/Claimants

Vs.

The Managing Director,
Metro Transport Corporation Ltd.,
Pallavan Salai, Chennai - 2.

...Respondent/Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act against the judgment and decree dated 24.01.2013 made in MCOP No.875 of 2007 on the file of the Motor Accident Claims Tribunal, Principal District Judge, Thiruvallur.

For Appellants : Mr.K.Sivakumar

For Respondent : Mr.V.Udayakumar

JUDGMENT

The appeal has been preferred by the claimants, not satisfied with the award of Rs.3,56,000/- awarded for the death of their son viz., Deepak Kumar, 20 years old, working as a Cook, in the accident, which occurred on 06.01.2007, when he was riding his bicycle, which was hit by the respondent/Transport Corporation bus driven rash and negligently.

2. Heard Mr.K.Sivakumar, learned counsel appearing for the appellant and Mr.V.Udayakumar, learned counsel appearing for the respondent. The only question is with regard to the quantum.

3. Though the Tribunal in the absence of proof of monthly income took a sum of Rs.4,500/- as monthly income, as per the judgment of the Honourable Supreme Court in Sarla Verma and others

Vs. Delhi Transport Corporation and another reported in 2009 (2) TNMAC 1, the Tribunal did not add 50% towards future prospects, as the deceased was aged about 20 years. If 50% is added as future prospects, the monthly income would be Rs.6750/-.

4. Since the deceased was a bachelor, 50% is required to be deducted towards personal expenses and after deduction, the loss of income would be Rs.6750-50%=3,375/-. The age of the deceased was 20 years and the appropriate multiplier, as per the age of the deceased, is 17 and if multiplier '17' is adopted, the loss of income is calculated as follows:

$$4500+50\%-50\% \times 12 \times 17 = 6,88,500/-.$$

5. The Tribunal awarded only a sum of Rs.5,000/- towards funeral expenses and transportation and no other amount was awarded. Therefore, this Court awards a sum of Rs.15,000/- towards funeral expenses, Rs.5,000/- towards transportation and a sum of Rs.40,000/- towards loss of love and affection. The rate of interest awarded by the Tribunal at 7.5% remains unaltered.

6. This Civil Miscellaneous Appeal is partly allowed by enhancing the compensation of Rs.3,56,000/- to 7,48,500/-. Rounded off to Rs.7,50,000/-. No costs.

7. The respondent is directed to deposit the entire amount along with interest and costs, as per the modified award passed by this Court, on or before 29.03.2015, after adjusting the amount if any already deposited, failing which the Chairman cum Managing Director and Financial Adviser cum Chief Accountant Officer shall present before this court on 30.03.2015. On such deposit being made, the appellants are permitted to withdraw the entire amount with accrued interest, after adjusting the amount if any already withdrawn, as per the ratio fixed by the Tribunal, within one week thereafter. However, the appellants are not entitled to interest for the period from 22.01.2009 to 02.08.2012, during which period, the claim petition was dismissed for default.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vsm

To

The Motor Accident Claims Tribunal,
Principal District Judge,
Thiruvallur.

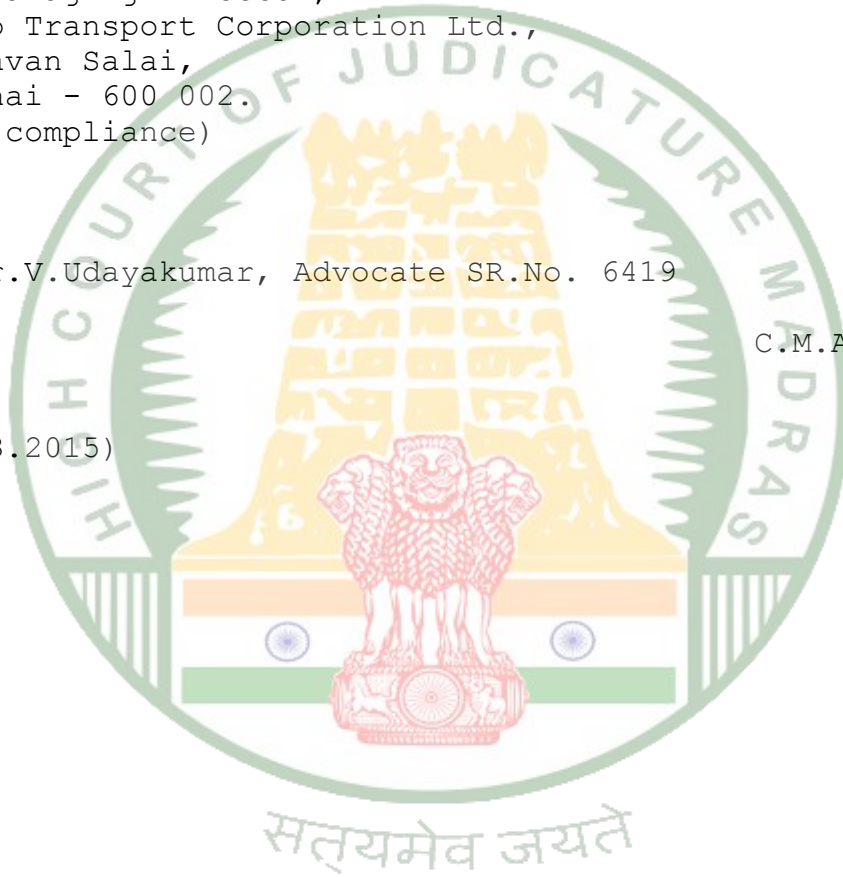
Copy to

The Managing Director,
Metro Transport Corporation Ltd.,
Pallavan Salai,
Chennai - 600 002.
(For compliance)

1 CC to Mr.V.Udayakumar, Advocate SR.No. 6419

C.M.A.NO.3531 of 2014

KSJ (CO)
PSI (05.03.2015)



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