

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

C.M.A.NO.3587 of 2014

and

M.P.No.1 of 2014

The Managing Director,
Tamil Nadu State Transportation
Corporation Limited,
Bharathipuram, Dharmapuri.

... Appellant

Vs.

1.Peruma
2.V.Lakshmi
3.V.Vijaya
4.V.Madhappan

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicle Act 1988 against the judgment and decree dated 02.09.2010 made in M.C.O.P.No.320 of 2007 on the file of the Motor Accident Claims Tribunal, Principal District Judge, Krishnagiri.

For Appellant : Mr.D.Venkatachalam
For Respondents : Mr.T.Panchatcharan

JUDGMENT

The appeal has been preferred by the Transport Corporation against the award of Rs.3,01,500/- for the death of one P.Venkataraman, aged about 60 years, an agriculturist, in the accident occurred on 26.11.2006.

2. Heard the learned counsel for the appellant and the learned counsel for the respondents. The only question is with regard to the quantum.

3. Though the learned counsel for the appellant would submit that since the children are all major and married, there is no dependency, that cannot be a ground to deny the compensation in the absence of any proof in that regard. The Tribunal rightly took a sum of Rs.3,500/- as monthly income, in the absence of any proof regarding the income and applied multiplier 9 following the judgment

of the Honourable Supreme Court in Sarla Verma and others Vs. Delhi Transport Corporation and another reported in 2009 (2) TNMAC 1, and deducted 1/4th towards personal expenses, as the family consists of more than three members and rightly determined a sum of Rs.2,83,500/- as loss of dependency.

4. Rs.5,000/- awarded towards loss of consortium to the 1st respondent, Rs.10,000/- awarded towards loss of estate to the respondents 2 to 4 and a sum of Rs.3,000/- awarded towards funeral expenses are all reasonable and the same is confirmed. The rate of interest awarded by the Tribunal at 6% p.a. remains unaltered.

5. In view of the above, this Civil Miscellaneous Appeal fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

6. The appellant/Insurance Company is directed to deposit the entire amount along with interest and costs within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, the respondents are permitted to withdraw their respective shares, as apportioned by the Tribunal, with accrued interest, within one week thereafter.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsm
To

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

1 cc to Mr. D.Venkatachalam, Advocate, SR.No.4991/15

1 cc to Mr.T.Panchatcharan ,Advocate, SR.No.5532

C.M.A.NO.3587 of 2014

br (co)
pmk.9.3.2015