

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2015

CORAM:

THE HON'BLE Ms.JUSTICE K.B.K.VASUKI

C.M.A.No.3540 of 2010

And

M.P.No.1 of 2010

The Managing Director
Metropolitan Transport Corporation Ltd.,
Chennai - 600 002.Appellant/Respondent

Vs.

1.Mrs.K.Ramani
2.C.KanniahRespondents/Petitioners

Prayer :

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 praying to set aside the decree and judgment of the Motor Accidents Claims Tribunal (Fast Track Court No.II) at Chennai in M.C.O.P.No.5511 of 2004 dated 25.03.2008 and allow in the C.M.A.

For Appellant : Mr.V.Kasiviswanathan

For Respondents : Mr.C.Ramesh Babu

JUDGMENT

The Metropolitan Transport Corporation who is the respondent before the Tribunal is the appellant herein. The present appeal is filed against the award of compensation of Rs.9,05,600/- to the legal heirs of the fatal accident victim. The parties are referred to as per their rank in the M.C.O.P.

2.The claimants are the parents of one Jayakumar aged 26 years who died in the accident on 12.05.2004. The Tribunal having fixed his monthly earning at Rs.5,000/- as Mechanic and having adopted multiplier of 18 on the basis of the age of the deceased determined the loss of dependancy of the claimants as Rs.7,23,600/- in addition to the sum of compensation awarded

under other heads which are as follows:

Medical expenses	: Rs. 1,70,000/-
Loss of love and affection	: Rs. 20,000/-
Funeral expenses	: Rs. 2,000/-

and awarded a total compensation of Rs.9,05,600/-.

3.The grievance expressed herein by the appellant/ Transport Corporation is regarding the multiplier of 18 adopted by the Tribunal. According to the learned counsel for the appellant/ Transport Corporation, the multiplier to be adopted is 17 and the multiplier of 18 adopted by the Tribunal is erroneous.

4.In my considered view, the multiplier of 18 adopted by the Tribunal, as per the II schedule under the Motor Vehicles Act need not be found fault with. Even otherwise, considering the quantum of compensation awarded for loss of love and affection to the parents and funeral expenses, the amount determined by the tribunal for loss of dependency by adopting the multiplier of 18 by the Tribunal even if it is lightly on higher side need not be interfered with.

5.In the result, this Civil Miscellaneous Appeal stands dismissed and award of the Motor Accidents Claims Tribunal (Fast Track Court No.II) at Chennai made in M.C.O.P.No.5511 of 2004 dated 25.03.2008 is confirmed. The appellant/ Transport Corporation is directed to deposit the balance award amount less the amount if any, already deposited before the Tribunal within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit being made, the claimants are permitted to withdraw the entire amount with accrued interest and costs in equal shares on filing proper and necessary cheque application. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS-II)

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Sub Assistant Registrar

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To

1. Motor Accidents Claims Tribunal
(Fast Track Court No.II)
at Chennai

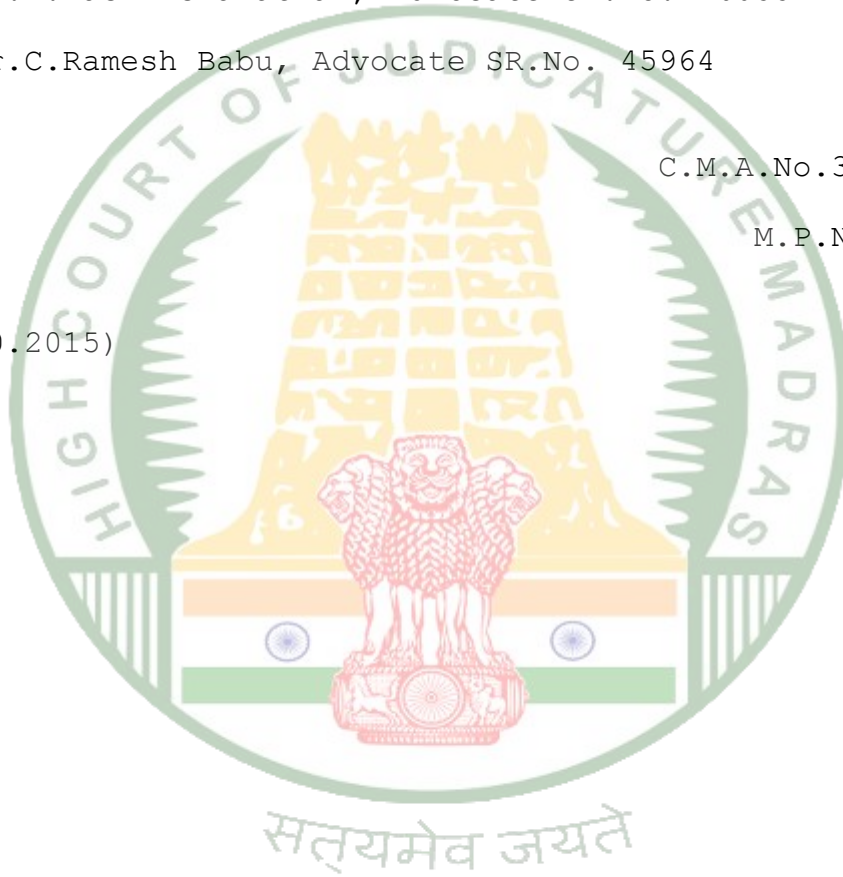
2. The Section Officer,
V.R.Section,
High Court, Madras.

1 CC to Mr.V.Kasiviswanathan, Advocate SR.No. 46055

1 CC to Mr.C.Ramesh Babu, Advocate SR.No. 45964

C.M.A.No.3540 of 2010
And
M.P.No.1 of 2010

SR (CO)
PSI (16.10.2015)



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