

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2015

CORAM

THE HONOURABLE MS.JUSTICE K.B.K.VASUKI

C.M.A.No.3019 of 2004

The Managing Director
Tamil Nadu State Transport Corporation
Salem.

... Appellant/Respondent

Vs.

1.Noormohamed
2.Aaeesha Bee
3.Fathima Bee
4.Minor. Mohammed Mobin
(R4 is represented by his next friend, Guardian
and mother, the third respondent)

... Respondents/Petitioners

Prayer: Civil Miscellaneous Appeal filed under Section 173 of
the Motor Vehicles Act-1988 against the judgment and decree
dated 09.10.2003 made in M.C.O.P.No.290 of 2003 on the file of
the Motor Accident Claims Tribunal (Additional District Judge)
Fast Track Court No.III, Namakkal.

For Appellant : Mr.P.Jagadeeswaran

For Respondent : Mr.MA.P.Thangavel

JUDGMENT

For the sake of convenience, the parties are referred to as
per their rank before the Tribunal.

2.The State Transport Corporation, who is the respondent
before the Tribunal is the appellant herein. The claimants are
parents, widow and minor son of one Mohammed Iqbal, who was the
victim of fatal accident occurred on 16.01.2001 due to rash and
negligent driving of the Transport Corporation bus driver. The

present appeal is filed questioning the quantum of compensation of Rs.2,86,000/- with interest at 9% per annum awarded by the Tribunal to the legal heirs and dependants of the deceased. The Tribunal has awarded the said compensation under the following heads:

Loss of income	-	Rs.2,56,000/-
Consortium	-	Rs.10,000/-
Love and affection	-	Rs.20,000/-

Total	-	Rs.2,86,000/-

3.Learned counsel for the appellant has mainly contended against the compensation awarded by the Tribunal for loss of future dependency.

4.The Tribunal having fixed the age of the deceased as 40 years and the monthly income of the deceased at Rs.2,000/- per month and Rs.24,000/- per year and having deducted 1/3rd towards his personal expenses and having applied 16 as multiplier, determined loss of dependency as Rs.2,56,000/-. This Court finds the amount so fixed is in accordance with the procedure and is just and proper and warrants no interference.

5.Learned counsel for the respondent/claimant would now bring it to the notice of this Court that minor son/fourth claimant, who was aged about 10 years during 2001 has now attained majority.

6.In the result, this Civil Miscellaneous Appeal is dismissed. The time for deposit of the entire award amount with interest and costs is within four weeks from the date of receipt of the copy of the judgment. On such deposit, the claimants including erstwhile minor son/fourth claimant, are permitted to withdraw the amount in proportion to their shares by filing separate cheque petition before the Tribunal. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

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Sub Assistant Registrar

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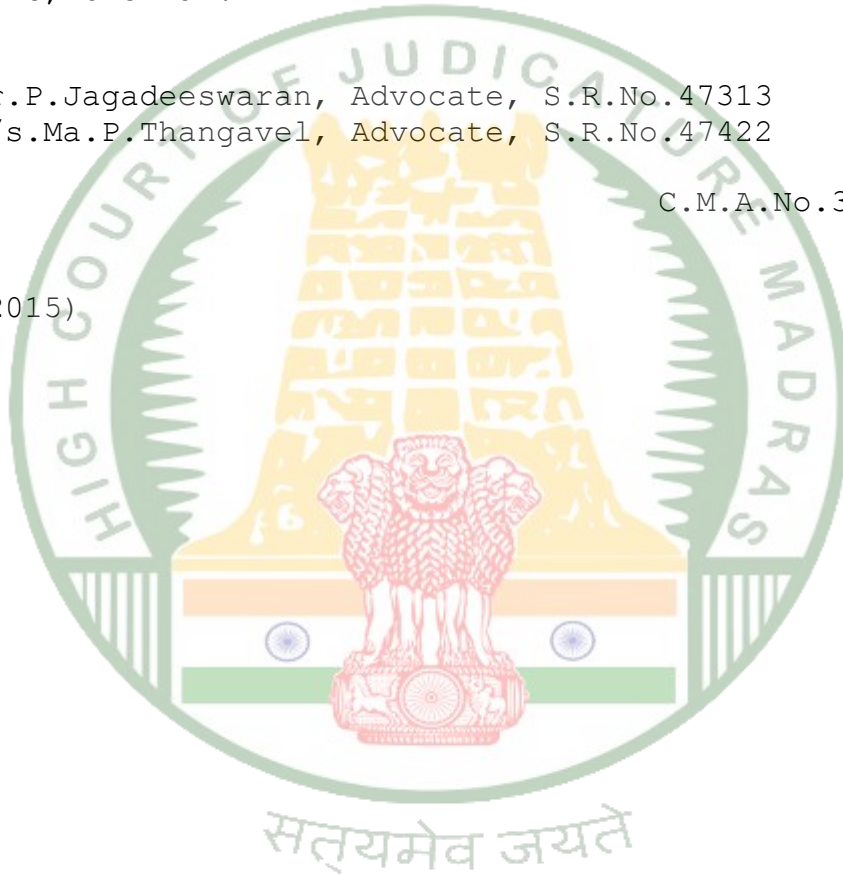
1.The Additional District Judge
Motor Accident Claims Tribunal
Fast Track Court No.III, Namakkal.

2.The Record Keeper,
V.R.Section,
High Court, Chennai.

+1cc to Mr.P.Jagadeeswaran, Advocate, S.R.No.47313
+1cc to M/s.Ma.P.Thangavel, Advocate, S.R.No.47422

C.M.A.No.3019 of 2004

GJ(CO)
CA(26/10/2015)



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