

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2016

CORAM:

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

C.M.A.No.1044 of 2016

and

C.M.P.No.7978 of 2016

The Managing Director

State Express Transport Corporation Ltd.,

Thiruvalluvar Illam, Pallavan Salai

Chennai 600 002.

... Appellant/Respondent

Vs.

1. Saroja

2. Suresh

3. Ramesh

4. Raju Gandhi

5. Chinnamani

6. Shanthi

7. Panjali

... Respondents/Petitioners

Civil Miscellaneous Appeal under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree dated 08-10-2012 made in M.C.O.P.No.4901 of 2009 on the file of Motor Accidents Claims Tribunal, IV Small Causes Court, Chennai.

For appellant

::

Mr. K.J. Sivakumar

ORDER

The wife, children and mother of the deceased, who was riding TVS XL bearing Registration No.TN-32-U-4299 along Chennai-Trichy Road, Villupuram District on 20-11-2008 was dashed by TNSETC bus bearing Registration No.TN-01-N-4901, driven in a rash and negligent manner and died on 22-11-2008, have filed M.C.O.P.No.1901 of 2009 on the file of the Motor Accident Claims Tribunal, IV Small Causes Court, Chennai and the Tribunal granted an award of compensation of Rs.8,30,000/- (Rupees Eight Lakhs thirty thousand only). Challenging the quantum of compensation, the appellant herein has filed the present civil miscellaneous appeal.

2. The Tribunal has fixed the income of the deceased/agriculturist as Rs.4,500/- (Rupees Four thousand and five hundred only). The appellant herein contended that in the absence of proof of income, the Tribunal ought not to have fixed the monthly income as Rs.4,500/- (Rupees Four thousand and five hundred only).

3. In Syed Sadiq Vs. Deputy Manager, United India Insurance Co. Ltd., (2014 (1) TNMAC 459), the annual income of the deceased was fixed as Rs.6500/- (Rupees Six thousand five hundred only) in the absence of proof of income.

4. In the above circumstances, the income as fixed by the Tribunal at Rs.4500/- (Rupees Four thousand and five hundred only) cannot be held to be excessive and the compensation awarded on the head of loss of dependency as Rs.7,30,000/- (Rupees Seven lakh and thirty thousand only) by taking into account 30% towards future prospects and deducting one-fifth towards dependency, need not be interfered with.

6. In the result, (i) the civil miscellaneous appeal is dismissed. (ii) There is no modification in the interest granted by the Tribunal. (iii) Eight weeks' time is granted to deposit the entire award amount as ordered by this Court, less the amount, if any, already deposited. (iv) On such deposit being made, the major claimants are permitted to withdraw the award amount as apportioned by the Tribunal.

However, there will be no order as to costs. The connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS V)

//True Copy//

Sub Assistant Registrar

To

The Managing Director,
State Express Transport Corporation Ltd.,
Thiruvalluvar Illam, Pallavan Salai
Chennai 600 002.

C.M.A.No.1044 of 2016 and

C.M.P.No.7978 of 2016

vgi[col]

srg 17/08/2016



WEB COPY