

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2016

CORAM:

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

C.M.A.No.1049 of 2016

The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Kanchipuram Region
Kanchipuram - 631 501

... Appellant/Respondent

Vs.

1. Kuppammal
2. Muthulakshmi
3. Mahalakshmi
4. Manikandan
5. Jayalakshmi
6. Nagarathinam ... Respondents /Petitioners

Civil Miscellaneous Appeal under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree dated 27-03-2013 made in M.C.O.P.No.4323 of 2010 on the file of Motor Accidents Claims Tribunal, II Small Causes Court, Chennai.

For appellant :: Mr. K.J. Sivakumar

ORDER

The Transport Corporation has filed the appeal aggrieved against the quantum of the award of Rs.9,49,000/- (Rupees Nine lakhs forty nine thousand only) granted by the Tribunal to the wife, children and mother of the deceased, who met with a fatal accident on 26-09-2010.

2. The case of the appellant is that the Tribunal has fixed the income of the deceased as Rs.7000/- (Rupees Seven thousand only) without any proof of income and the same should be fixed at Rs.6500/- (Rupees Six thousand five hundred only) taking into account the judgment in Syed Sadiq Vs. Deputy Manager, United India Insurance Co. Ltd., (2014 (1) TNMAC 459), wherein the annual income of the deceased was fixed at Rs.6500/- (Rupees Six thousand five hundred only) in the absence of proof of income.

3. This Court on a careful consideration of the facts of the case is of the considered view that the Tribunal has not taken into account the future prospects of the deceased, which, if taken into account, 30% of the deceased's income has to be added towards future prospects as per the judgment

reported in 2013 (2) TNMAC 55 (Rajesh Vs. Rajbir Singh). In the above circumstances, the income as fixed by the Tribunal at Rs.7000/- (Rupees Seven thousand only) cannot be held to be excessive, more particularly, when the accident took place in the year 2010 more particularly, when the accident took place in the year 2010 and the compensation awarded on the head of loss of dependency as Rs.8,19,000/- (Rupees Eight lakh and nineteen thousand only) cannot be found fault with.

4. 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 claimants are permitted to withdraw the award amount as apportioned by the Tribunal.

CMP No.7983 of 2016 is closed. However, there will be no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

glp

To

1. The II Judge,
Small Causes Court (MACT),
Chennai.

Copy to: The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Kanchipuram Region
Kanchipuram - 631 501

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