

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.04.2016

CORAM

THE HON'BLE Mr.JUSTICE S.VAIDYANATHAN

C.M.A.No.1085 of 2016
and C.M.P.No.8061 of 2016

The Managing Director,
State Express Transport Corporation Tamil Nadu Limited,
Chennai-600 002. ... Appellant/Respondent

Vs.

1.P.Irudhaya Jayaseeli
2.Rogin Pradheep (minor)
rep.by his mother and next friend
P.Irudhaya Jayaseeli
3.V.Rosali Mariya Gracy
4.E.G.Albert ... Respondents/Petitioner

Civil Miscellaneous Appeal preferred under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 06.06.2013 made in M.C.O.P.No.207 of 2009 on the file of the learned VI Judge, Court of Small Causes, Motor Accidents Claims Tribunal, Chennai.

For Appellant : Mr.P.Paramasiva Doss

J U D G M E N T

The Transport Corporation has preferred this Civil Miscellaneous Appeal challenging the judgment and decree dated 06.06.2013 made in M.C.O.P.No.207 of 2009 on the file of the learned VI Judge, Court of Small Causes, Motor Accidents Claims Tribunal, Chennai.

2. Claiming compensation to the tune of Rs.18,00,000/-, on account of the death of one A.Paulraj @ Poulraj, who met with an accident that took place on 07.02.2008, due to the rash and negligent driving of the driver of the appellant Corporation bus, the claimants who are the wife, son and parents of the deceased approached the Tribunal. The Tribunal, on analysing the evidence on record, held that the accident occurred due to the rash and negligent driving of the driver of the appellant/Transport Corporation bus and awarded a sum of Rs.8,46,000/- with interest @ 7.5% p.a. Details of the

award are as follows:

Sl. No.	Head	Amount granted by the Tribunal
1	Pecuniary loss	Rs.7,56,000/-
2	Loss of consortium	Rs 50,000/-
3	Love and affection	Rs. 30,000/-
4	Funeral Expenses	Rs. 10,000/-
	Total	Rs.8,46,000/-

3. The learned counsel for the appellant vehemently contended that the method of compensation arrived at by the Tribunal is erroneous and sought for allowing of the Civil Miscellaneous Appeal.

4. According to the claimants, at the time of accident, the deceased was aged 40 years and was a Proprietor of Foot Wear and Iceland shop, earning a sum of Rs.10,000/- per month. However, the Tribunal, fixed Rs.6,000/- as his monthly income and by adopting multiplier of '14' and deducting 1/4th towards his personal expenses, granted a sum of Rs.7,56,000/- towards pecuniary loss.

5. The Apex Court, in the case of Syed Sadiq Vs. Divisional Manager, United India Insurance Co. Ltd., 2014 (1) TN MAC 459 (SC), in respect of a vegetable vendor, who sustained injuries in an accident which occurred in 2008, determined Rs.6500/- as the monthly income. The accident in this case took place on 07.02.2008. Taking note of Syed's case referred to above, fixing the income of the deceased at Rs.6,000/- cannot be said to be excessive. A glance of the compensation awarded by the Tribunal reveals that the amounts granted under other heads cannot be said to be excessive. Hence, the award of the Tribunal in granting compensation to the tune of Rs.8,46,000/- cannot be said to be erroneous. Therefore, this Court is not inclined to interfere with the compensation awarded by the Tribunal.

6. In the above circumstances, finding no merit, by confirming the award of the Tribunal, the Civil Miscellaneous Appeal is dismissed. The rate of interest granted by the Tribunal is also confirmed. The appellant/Transport Corporation Company is directed to deposit the entire award amount together with interest to the credit of M.C.O.P.No.207 of 2009 on the file of the learned VI Judge, Court of Small Causes, Motor Accidents Claims Tribunal, Chennai, if not already deposited, within a period of four weeks from the date of receipt of a copy of this order and on such deposit being made, the major claimants are entitled to withdraw their respective shares as apportioned by the Tribunal on filing necessary applications before the Tribunal. The share of the minor claimant shall be deposited in a Fixed Deposit Scheme in

any one of the Nationalised Banks initially for a period of three years, renewable thereafter periodically. The interest accrued on such deposit shall be withdrawn by the natural guardian once in three months, till the minor attains majority. No costs. Consequently, connected Miscellaneous Petition is closed.

7. The Trial Court is expected to follow the procedures contemplated in the order dated 11.03.2016 passed by a Division Bench of this Court in C.M.A.No.428 of 2016, scrupulously.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gya/aeb

To:

The VI Judge,
Court of Small Causes,
Motor Accidents Claims Tribunal,
Chennai.

C.M.A.No.1085 of 2016
and
C.M.P.No.8061 of 2016

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