

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.04.2016

CORAM

THE HON'BLE Mr. JUSTICE S.VAIDYANATHAN

C.M.A.No.1087 of 2016

and C.M.P.No.8066 of 2016

The Managing Director,
Tamil Nadu State Transport Corporation,
Vazhuthreddy, Villupuram.

... Appellant

Vs.

1.A.Anjulatcham
2.A.Saravanan
3.A.Chandramurthy
4.A.Sarasu

... Respondents

Civil Miscellaneous Appeal preferred under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 20.08.2014 made in M.C.O.P.No.1934 of 2012 on the file of the Motor Accident Claims Tribunal, Cuddalore [I Additional District Court, Cuddalore].

For Appellant : Mr.P.Paramasivados

J U D G M E N T

The Transport Corporation has preferred this Civil Miscellaneous Appeal challenging the judgment and decree dated 20.08.2014 passed in M.C.O.P.No.1934 of 2012 on the file of the Motor Accident Claims Tribunal, Cuddalore [I Additional District Court, Cuddalore].

2. Heard the learned counsel for the appellant and perused the materials available on record.

3. For the death of one Arumugam, who was aged 55 years and was working as a loadman at the time of accident, his wife and children filed a claim petition before the Tribunal claiming a sum of Rs.15,00,000/- as compensation. The accident in question took place on 28.01.2012. The Tribunal, taking note of the factual aspects, fixed the monthly income of the deceased at Rs.4,500/- and by adopting multiplier method, awarded compensation to the tune of Rs.4,45,500/- towards loss of income, besides awarding a sum of Rs.40,000/-

towards loss of love and affection, a sum of Rs.10,000/- towards loss of consortium and a sum of Rs.10,000/- towards funeral expenses, totalling a sum of Rs.5,05,500/- together with interest at 7.5% p.a. Aggrieved over the same, the present Civil Miscellaneous Appeal is filed by the Transport Corporation.

4. Learned counsel appearing for the appellant/Transport Corporation would mainly contend that the quantum of compensation awarded by the Tribunal is too high and the Tribunal failed to consider the negligence aspect and awarded huge compensation.

5. It is seen that the Tribunal has fixed a sum of Rs.4,500/- as the monthly income of the deceased, which, in view of this Court is not high. Further, only after deducting 1/4th towards the personal expenses of the deceased and applying the correct multiplier of '11', the Tribunal has awarded a sum of Rs.4,45,500/- as compensation towards loss of income, which is quite reasonable. Also, this Court finds that the compensation awarded under other heads are also reasonable. Hence, I find that there is no infirmity or illegality in the order passed by the Tribunal and the compensation awarded by the Tribunal is hereby confirmed.

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.1934 of 2012 on the file of the Motor Accident Claims Tribunal, Cuddalore [I Additional District Court, Cuddalore], 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 claimants are entitled to withdraw their respective shares as apportioned by the Tribunal on filing necessary applications before the Tribunal. 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(CS-VI)

//True Copy//

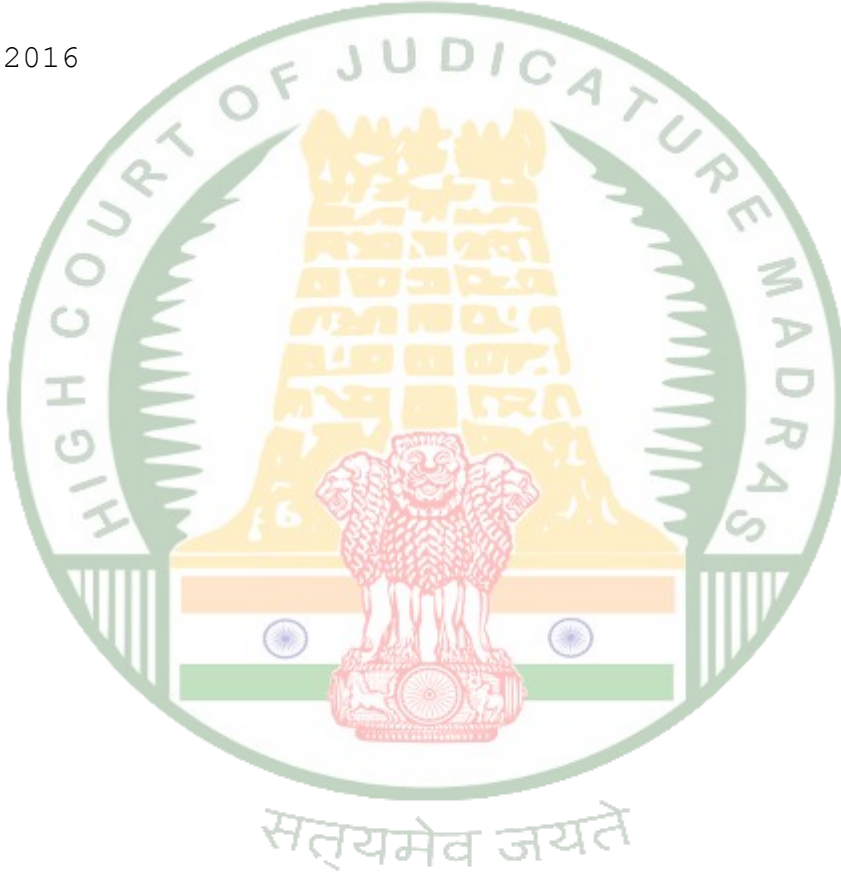
Sub Assistant Registrar

To:

The I Additional District Judge,
The Motor Accident Claims Tribunal
[I Addl. District Court],
Cuddalore.

C.M.A.No.1087 of 2016
and
C.M.P.No.8066 of 2016

mpi co
kra 06.07.2016



WEB COPY