

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 15.12.2016
CORAM :
THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM
CMA.No.1330 of 2011

1.Karuppusamy
2.Minor Tamlarasan
(rep by father first appellant) ... Appellant
Vs.

Managing Director,
Tamil Nadu State Transport,
Corporation, Villupuram, Madurai. ... Respondent

PRAYER : Petition filed under Section 173 of Motor Vehicles Act, against the judgment and decree dated 21.01.2010 made in MCOP.No.383 of 2007 on the file of the Motor Accident Claims Tribunal, (Fast Track Court No.III), Virudhachalam.

For appellants : Mr.S.Udhayakumar
For respondent : Notice Served - No appearance.

JUDGMENT

The Civil Miscellaneous Appeal is filed against the order dated 21.01.2010 made in MCOP.No.383 of 2007 on the file of the Motor Accident Claims Tribunal, (Fast Track Court No.III), Virudhachalam.

2. The learned counsel for the appellant would mainly contend that the trial Court failed to give sufficient compensation under the heads future loss of income and loss of employment etc., the Tribunal ought to have adopted proper multiplier theory while fixing the quantum of compensation, hence the learned counsel prays to set aside the order of the Tribunal and to allow the appeal.

3. Though notice was duly served on the respondent/Transport Corporation, there is no representation on behalf of the respondent.

4. Heard the arguments of the learned counsel for the appellant and perused the available records.

5. On perusal of the order passed by the Tribunal, it is revealed that the deceased Vasanthi is wedded wife of the first appellant and the mother of the second appellant. It is admitted that Vasanthi was working as a Coolie and earning Rs.4,500/-p.m. at the time of accident her age was 27years. The trial Court considering the age of the deceased as 27 years and

taking note that she is working as Coolie and fixed Rs.100per day (Rs.3,000/-p.m.) and deducted 1/3rd for her personal expenses and fixed her income at Rs.2,000/-p.m. and calculated Rs.2000 x 12 x 17 = Rs.4,08,000/-, Rs.2,000/- towards funeral expenses, Rs.1,000/- towards transportation, Rs.5,000/- towards consortium, Rs.5,000/- towards love and affection and Rs.1,000/- for damages (totally Rs.4,22,000/-) to the appellants 1 and 2. The appellants are not able to prove that the deceased was earning Rs.4,500/-p.m. and they have not produced any documents to show the income of the deceased.

6. In view of the above facts, the trial Court after considering the arguments of both sides and the oral and documentary evidence adduced on both sides comes to a conclusion that the deceased was working as a Coolie and calculated the correct income to the Coolie and awarded compensation, by applying the correct multiplier method, this Court finds there is no illegality, infirmity or perversity in the award passed by the Tribunal, and the judgment and decree passed by the Tribunal does not warrant any interference by this Court.

7. In the result, the civil miscellaneous appeal stands dismissed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To
The Motor Accident Claims Tribunal,
(Fast Track Court No.III), Virudhachalam.

+1 cc to Mr.S.Udayakumar Advocate sr73240

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