

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 29.07.2016

CORAM

THE HONOURABLE MR.JUSTICE T. MATHIVANAN

C.M.A.No.1569 of 2016

and

C.M.P.No.11824 of 2016

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Kancheepuram.

...Appellant

vs.

1. K.Thulasi
2. Minor K.Kamalraj
3. Minor K.Gopinath
4. Pachayammal
(R2 and R3 are represented by
their mother 1st petitioner
Tmt.K.Thulasi)

... Respondents

Prayer: Civil Miscellaneous Appeal is filed Under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree dated 29.02.2012, and made in M.C.O.P.No.426 of 2010, on the file of the Motor Accident Claims Tribunal (Fast Track Court, No.II), Poonamallee.

For Appellant :Mr.Antony Arockiaraja

JUDGMENT

Questioning the quantum of compensation, the appellant / Transport Corporation, who is the respondent in the claim petition in M.C.O.P.No.426 of 2010, has preferred this appeal under Section 173 of Motor Vehicles Act, 1988.

2. The respondents 1 to 4 herein are the claimants they are wife, two minor children and mother of the deceased T.N.Kumar. On 26.02.2010, at about 5.30 p.m., the deceased was travelling in a motor cycle bearing Reg.No.TN 20 BY 9264 as a pillion rider, when the passenger Bus bearing Reg.No.TN 45 N 2693 had hit against the deceased. On account of this impact, the deceased being the pillion rider had sustained multiple and grievous injuries and died during the course of treatment on 06.03.2010. Hence, the respondents/petitioners had moved the

claims Tribunal with a claim petition in M.C.O.P.No.426 of 2010, claiming a sum of Rs.12,03,000/-.

3. Despite the contest made by the learned counsel for the Appellant/Transport Corporation, based on the evidences both oral and documentary, the Tribunal had proceeded to award a sum of Rs.5,96,500/- towards the compensation directing the appellant/Transport Corporation to pay the aforesaid amount with interest at 7.5% p.a. from the date of filing of the claim petition, within a period of two months.

4. It is revealed from the records that the deceased, at the time of occurrence, was aged about 48 years. He was an agriculturist and thereby earning a sum of Rs.4,500/- per mensem. Since he was aged about 48 years, the Tribunal had selected the multiplier 13 as per the second schedule to Section 364 A of the Motor Vehicles Act. The Tribunal after giving deduction of 1/4th towards the personal and living expenses of the deceased, the 3/4th remainder was calculated at Rs.3,375/-. Accordingly, the annual dependency of the family would be Rs.40,500/- (Rs.3,375/- X 12). Applying the multiplier of 13, the multiplicand would be Rs.5,26,500/-. Besides this, the Tribunal had also awarded compensation under the following heads:

1. Towards the pecuniary loss (Rs.3375 X 12 X 13)	Rs.5,26,500/-
2. Funeral Expenses	Rs. 10,000/-
3. Travelling Expenses	Rs. 5,000/-
4. Consortium	Rs. 25,000/-
5. Loss of Love and Affection for both zMinor Children	Rs. 30,000/-
Total	Rs. 5,96,500/-

5. Totally the Tribunal had awarded a sum of Rs.5,96,500/- as against the original claim of Rs.12,03,000/-, which according to this Court, is well within the bounds of law and does not require any modification or change. Hence, the appeal fails.

6. The appellant/Transport Corporation is directed to deposit this amount along with the interest at the rate of 7.5% p.a. with costs to the credit of the claim petition in M.C.O.P.No.426 of 2010 on the file of the Motor Accident Claims Tribunal (Fast Track Court-II), Poonamallee within a period of six weeks from the date of receipt of a copy of this order, if not deposited earlier. On such deposit being made, the claimants are entitled to withdraw the entire amount along with the accrued interest and costs without actually filing any formal application seeking permission.

7. Accordingly, this Civil Miscellaneous Appeal is dismissed and the award of the Tribunal is confirmed. Consequently, connected Civil Miscellaneous Petition is closed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ssn

To

1.The Motor Accident Claims Tribunal,
Fast Track Court, II,
Poonamallee.

2.The Section Officer,
V.R.Section,
High Court, Madras.

C.M.A.No.1569 of 2016
and
CMP.No.11824 of 2016

SS(CO)
VR(28/10/2017)



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