

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 24.08.2016

CORAM

THE HONOURABLE MR.JUSTICE T. MATHIVANAN

C.M.A.No.1731 of 2016
and
C.M.P.No.13067 of 2016

The Managing Director,
Tamil Nadu State Transport Corporation,
Kanchipuram Division,
KanchipuramAppellant

...vs...

1.Raja Gopal
2.Rajeshwari Respondents

Prayer: Civil Miscellaneous Appeal is filed against the judgment and decree dated 11.08.2015 and made in M.C.O.P.No.12 of 2015 on the file of the Motor Accident Claims Tribunal, (The Special District Judge), Tiruvallur.

For Appellant :Mr.K.J.Sivakumar

For Respondents :Mr.T.Anantha Sekar
Caveator counsel

JUDGMENT

Heard Mr.K.J.Sivakumar, learned counsel for the appellant and Mr.T.Anantha Sekar, learned counsel on record for the respondents/claimants.

2. On perusal of grounds of the appeal and after considering the submissions made on behalf of both sides, this Court finds that this appeal is deserved to be disposed of at the threshold i.e., at the time of admission itself.

3. Claiming a sum of Rs.13,00,000/-, the respondents/claimants had moved the Motor Accident Claims Tribunal with the claim petition in M.C.O.P.No.1 of 2011. This claim was contested by the appellants on various grounds. However, the Tribunal, after evaluating the evidences both oral

and documentary, had proceeded to award totally a sum of Rs.8,54,000/- and directed the appellant/Transport Corporation to pay this amount to the respondents/claimants with interest at the rate of 7.5% per annum.

4. Questioning the quantum of compensation, the appellant had preferred this appeal under Section 173(1) of Motor Vehicles Act, 1988.

5. It is pertinent to note here that the deceased at the time of accident was undergoing an apprenticeship in M.R.F.Tyre Company and was getting a sum of Rs.4,904/- per month at the rate of Rs.170/- per day. Exhibit P.4 (Salary bill) was produced on behalf of the respondents/appellants.

6. Based on Ex.P4, the Tribunal had fixed the monthly income of the deceased at Rs.4,500/- and keeping in view of this fact, towards the future prospects, the Tribunal had added 50% with the actual monthly salary and towards the personal and living expenses, the Tribunal had also deducted 50% as he was a bachelor. Accordingly, applying the multiplier of "18", the pecuniary loss of the family was arrived at Rs.7,29,000/-

7. Besides this, the Tribunal had also awarded a sum of Rs.25,000/- towards funeral expenses and Rs.1,00,000/- towards the loss of love and affection (Rs.50,000/- each). In total, a sum of Rs.8,54,000/- was awarded.

8. Considering the nature of the case as well as the award passed by the Tribunal, this Court finds that the award itself is reasonable and therefore, it does not require any modification.

9. Keeping in view of the above fact, this Court finds that the appeal may be dismissed and the award passed by the Tribunal may be confirmed.

10. Accordingly, this appeal is dismissed and the award passed by the Tribunal is confirmed. Consequently, connected Miscellaneous Petition is also closed. The appellant / Transport Corporation is directed to deposit the award amount of Rs.8,54,000/- along with the accrued interest at the rate of 7.5% per annum within a period of six weeks from the date of receipt of a copy of this order, less the amount already

deposited if any. On such deposit being made, the respondents/claimants are entitled to withdraw the same and get the amount apportioned, as directed by the Tribunal. It is to be placed on record that the respondents/claimants are not entitled to claim interest for the award amount during the break up period.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

The Special District Judge, Tiruvallur.
(Motor Accident Claims Tribunal)

Copy to

The Section Officer,
VR Section High Court,
Madras.

+1cc to K.J.Sivakumar, Advocate Sr.48430

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