

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.04.2016

CORAM

THE HON'BLE Mr.JUSTICE S.VAIDYANATHAN

C.M.A.No.2224 of 2015
and M.P.Nos.1 & 2 of 2015

The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam. ... Appellant/ Respondent

Vs.

1.Saroja
2.Gunasekar
3.Pushpavalli ... Respondents/ Petitioners

Civil Miscellaneous Appeal preferred under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 27.11.2014 made in M.C.O.P.No.91 of 2013 on the file of the Motor Accident Claims Tribunal, Principal District Judge, Ariyalur.

For Appellant : Mr.D.Venkatachalam

For Respondents : Mr.T.Gobinath

J U D G M E N T

The Transport Corporation has preferred this Civil Miscellaneous Appeal challenging the judgment and decree dated 27.11.2014 passed in M.C.O.P.No.91 of 2013 on the file of the Motor Accident Claims Tribunal, Principal District Judge, Ariyalur.

2. Heard the learned counsel for the appellant and the learned counsel who took notice for the respondents and perused the materials available on record.

3. For the death of one Shankar, who was aged 29 years and was working as a Carpenter in Bahrain, his parents and sister filed a claim petition before the Tribunal claiming a sum of Rs.20,00,000/- as compensation. The accident in question took place on 09.02.2013. The Tribunal, taking note of the factual aspects, fixed the monthly income of the deceased at Rs.5,000/- and by adopting multiplier method, awarded compensation to the tune of Rs.12,24,000/- towards loss of income, besides awarding a sum of Rs.50,000/- towards loss of love and affection and a sum of Rs.10,000/- towards funeral expenses, totalling a sum of Rs.12,84,000/- together with interest at 7.5% p.a. Aggrieved over the same, the present Civil Miscellaneous Appeal is filed by the Transport Corporation.

4. According to the learned counsel for the appellant/Transport Corporation, the Tribunal failed to take note of the evidence of

R.W.1-Driver that the accident took place only due to the rash and negligent driving of the rider of the motorcycle. However, a cursory glance of the award of the Tribunal would make it clear that the accident was caused by the appellant/Transport Corporation bus, due to which the deceased sustained injuries and died on 09.02.2013. That apart, in the absence of proof of income, the Tribunal took the monthly income of the deceased at Rs.6,000/- based on the decision in the case of Syed Sadiq and others Vs Divisional Manager, United India Insurance Co. Ltd., [2014] 2 SCC 735, and also applied 1/3rd deduction towards living expenses, even though based on Sarla Verma's case, deduction has got to be made towards personal and living expenses at 50% of the deceased income, as the deceased was a bachelor. That apart, the Tribunal has not granted any amount towards future prospects. Hence, taking note of the totality of the circumstances, I find no reason to interfere with the award of the Tribunal.

5. 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.91 of 2013 on the file of the Motor Accident Claims Tribunal [Principal District Judge], Ariyalur, 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 Petitions are closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

gya

To

The Motor Accident Claims Tribunal,
Principal District Judge, Ariyalur.

1 c to Mr.T. Gopinath, Advocate, Sr. 27628

1 cc to Mr.D. Venkatachalam, Advocate, Sr. 29029

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