

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 29.09.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

C.M.A.No.2262 of 2016

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Rangapuram,
Vellore. ... Appellant/Respondents

Versus

- 1.Baskar
- 2.Minor Sangeetha represented by
Natural Guardian/father 1st Respondent.
- 3.Vanitha @ Lakshmi, W/o.Baskar,
All are residing at No.82, Lalapetthethu Street,
Walajapet, Vellore District. ... Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree passed by the Motor Accident Claims Tribunal/Subordinate Court, Ranipet, Vellore District in M.C.O.P.No.87 of 2013 dated 06.12.2014 for awarding compensation.

For Appellant : Mr.P.Paramasivadoss

O R D E R

The Managing Director of Tamil Nadu State Transport Corporation Limited aggrieved over the impugned award of Rs.5,35,000/- along with interest at 7.5% per annum from the date of the filing of the petition till date of deposit, has challenged the same questioning the quantum of compensation.

2. Mr.P.Paramasiva Doss, learned counsel appearing for the appellant-Transport Corporation would submit that it is not in dispute that when 15 years old student had died in a road accident. However he would further submit that with regard to award of compensation under non-pecuniary heads, the Tribunal unreasonably fixed Rs.25,000/- towards loss of expectation of life and another sum of Rs.20,000/- has been fixed towards loss of love and affection. Therefore, under these two heads, unreasonable amounts have been awarded to the claimants and the same are liable to be modified.

3. No doubt, it is a case of death of 15 years old boy, who was studying 9th standard in Government Higher Secondary School, Vannivedu, at the time of accident. When he was going on his bicycle on the road of Walajah to Ammoor, the Government bus belonging to the Transport Corporation bearing registration No.TN 32 N 1772, driven by its driver dashed against him. As a result, he was thrown out and suffered multiple injuries. Immediately after the accident, he was taken to Government Hospital, Walajah and admitted therein in intensive care unit. However, he succumbed to the injuries in the Hospital.

4. Both this Hon'ble Court as well as the Hon'ble Apex Court have repeatedly held that in the case of minor student notional annual income of Rs.30,000/- should be taken along with 15 multiplier for the reason that they were not employed to receive any regular salary for the purpose of fixing compensation against the Tort teaser. When that being the settled legal position of law, the learned Tribunal after fixing Rs.30,000/- as notional annual income of the deceased, adopting the right multiplier-15, has rightly worked out the loss of dependency under the pecuniary heads.

5. Therefore, the learned Tribunal following the judgement of this Court in the case of United India Insurance Company Limited vs. B.Vijayalakshmi and others reported in 2014 (1) TN MAC 616, wherein it has been held that the notional income of the deceased of a boy should be taken as Rs.30,000/- per annum, while computing the quantum of compensation and again following the another decision of the Apex Court in the case of Reshma Kumari and others vs. Madan Mohan reported in 2009 (2) TN MAC 36 (SC), wherein it has been held held that up to 15 years, 15 multiplier should be applied irrespective of invoking Section 166 or Section 163-A of the Motor Vehicles Act, has rightly fixed Rs.30,000/- as notional annual income of the deceased and after adopting 15-multiplier fixed Rs.4,50,000/- as loss of dependency.

6. However, considering the fact that the deceased boy while going on his bicycle, was hit by rash and negligent driving of the offending vehicle belonging to the Transport Corporation and as a result, the parents have lost love and affection of their child, the Tribunal has fixed Rs.20,000/- towards loss of love and affection and again Rs.20,000/- has been awarded for mental agony. Only nominal amount of Rs.5000/- has been fixed towards Transportation to the hospital and only Rs.10,000/- has been awarded towards funeral expenses. Therefore, this Court is not inclined to see any merit in the appeal.

7. It is represented that the appellant Transport Corporation deposited statutory amount. The balance amount with interest shall be deposited within four weeks from the date of the receipt of a copy of the order and on such deposit, the claimants are entitled to withdraw the same along with interest accrued therefor. The appeal is dismissed. No costs. Consequently the connected CMP.No.15968 of 2016 is also dismissed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

The Motor Accident Claims Tribunal/Subordinate Court,
Ranipet, Vellore District.

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