

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2016

C O R A M

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH,J.,
AND
THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU,J.,

C.M.A.No.2449 of 2015

1. Poornima
2. Minor Sai Santhosh ... Appellants/Petitioners

[2nd appellant minor rep.by
mother/natural guardian
1st appellant Poornima]

vs

The Managing Director
Metropolitan Transport Corporation
Limited., Pallavan House
Anna Salai, Chennai-2. ... Respondent/Respondents

Civil Miscellaneous Appeal against the judgment and award
dated 24.09.2012 passed by the learned XVI Additional Judge,
Court of Small Causes [Motor Accident Claims Tribunal], Chennai
in MCOP No.4230 of 2010.

For Appellants ...Mr.T.G.Ravichandran

For Respondent ...Mr.K.S.Suresh

J U D G M E N T

(Judgment of the Court was delivered by
HULUVADI G.RAMESH,J.,)

The claimants are the appellants, who are before this
Court, challenging the award dated 24.09.2012 passed by the
learned XVI Additional Judge, Court of Small Causes [Motor
Accident Claims Tribunal], Chennai in MCOP No.4230 of 2010,
seeking enhancement of compensation.

2. The brief facts of the case is as follows:

(i) This is a case of fatal accident.

(ii) On 22.06.2010 at about 13.50 hrs when the deceased was riding his motor cycle bearing Regn.No.TN-22-BB-8595 in Jawaharlal Nehru 100 feet road near Ashok Nagar, a bus bearing Regn.No.TN-01-N-9434 belonging to the respondent-Transport Corporation came in a rash and negligent manner and dashed against the deceased and he died on the way to hospital. The claimants/appellants, who are the widow and minor son of the deceased went before the Tribunal claiming compensation in a sum of Rs.42,50,000/-. The Tribunal, on appreciation of oral and documentary evidence, passed an award for a sum of Rs.16,25,000/- under the following heads:

Loss of Dependency	- Rs.14,40,000/-
[Rs.80,000 x 18]	
Loss of consortium	- Rs. 25,000/-
Loss of love and affection	- Rs. 50,000/-
Funeral expenses	- Rs. 10,000/-
Future loss of income	- Rs. 1,00,000/-
	=====
Total	- Rs.16,25,000/-
	=====

with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit.

3. The learned counsel for the appellants/claimants submits that the Tribunal has not awarded sufficiently under the heads, loss of consortium and loss of love and affection to the claimants. He further submits that the Tribunal has awarded only a meagre compensation towards future prospects. Accordingly, he seeks enhancement of the compensation awarded by the Tribunal.

4. Per contra, the learned counsel appearing for the respondent-Transport Corporation submits that the compensation awarded by the Tribunal is excessive when no proof regarding occupation and income of the deceased have been produced. He further submits that multiplier 18 adopted by the Tribunal is also erroneous. Accordingly, he prays for the dismissal of the appeal.

5. We have heard the learned counsel for the respective parties.

6. It is seen that the deceased is a Purohit by profession and he is an income tax assessee. To that effect, the claimants have also produced relevant documents. Therefore, the income arrived at by the Tribunal in a sum of Rs.10,000/- is justified. Though we hold that the 18 multiplier adopted by the Tribunal is erroneous, when the appropriate multiplier in the

facts and circumstances of the case would be 17, we are not inclined to interfere with the award passed by the Tribunal since under other heads, the Tribunal has awarded only meagre amount as compensation. Further, the Tribunal has awarded lesser amount towards loss of consortium as the widow is aged only 24 years and similarly, towards loss of love and affection to the minor son also, the compensation awarded is low. Hence, we are inclined to enhance the compensation awarded under both the aforesaid heads by Rs.50,000/- each, over and above the amount already awarded by the Tribunal.

7. Accordingly, the compensation awarded by the Tribunal is modified as follows:

Loss of Dependency	- Rs.14,40,000/-
[Rs.80,000 x 18]	
Loss of consortium	- Rs. 75,000/-
Loss of love and affection	- Rs. 1,00,000/-
Funeral expenses	- Rs. 10,000/-
Future loss of income	- Rs. 1,00,000/-

Total	Rs.17,25,000/-
	=====

However, we are inclined to round off the above amount to Rs.17,00,000/- [Rupees seventeen lakhs only], which shall carry interest at the rate of 7.5% p.a. from the date of the claim petition, till the date of deposit.

8. In view of the compensation amount being modified, the same shall be apportioned between the claimants as follows:

First appellant/widow	- Rs.7,50,000/-
Second Appellant/minor son	- Rs.9,50,000/-

9. The respondent-Transport Corporation is directed to deposit the entire amount of Rs.17,00,000/- [Rupees seventeen lakhs only] with proportionate interest and costs to the credit of MCOP No.4230 of 2010 on the file of the learned XVI Additional Judge, Court of Small Causes [Motor Accident Claims Tribunal], Chennai within a period of three months from the date of receipt of a copy of this order. On such deposit being made, the first appellant/claimant is entitled to withdraw her entire share as apportioned along with accrued interest on making out appropriate application before the Tribunal. Insofar as the compensation apportioned to the share of the minor second appellant/claimant is concerned, the same shall be deposited in a Nationalised Bank under re-investment scheme, till he attain majority. The interest accrued on the said amount shall be withdrawn by the mother of the minor second

appellant once in three months.

10. With the above modification, this Civil Miscellaneous Appeal is allowed in part. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

vj2

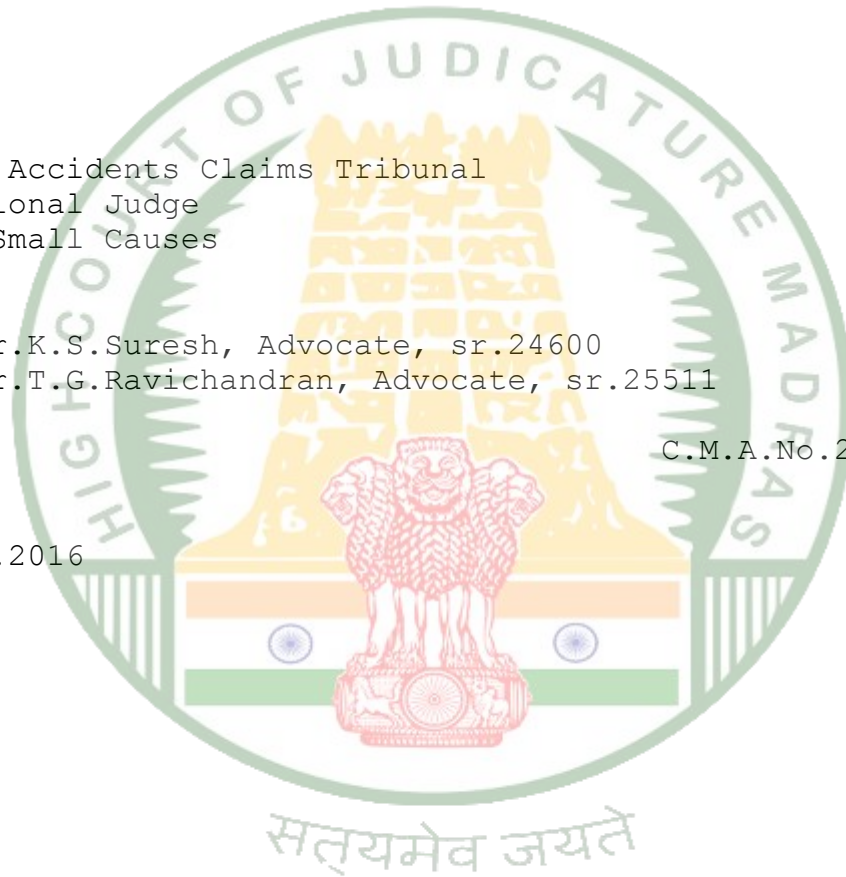
To

The Motor Accidents Claims Tribunal
XVI Additional Judge
Court of Small Causes
Chennai.

1 cc to Mr.K.S.Suresh, Advocate, sr.24600
1 cc to Mr.T.G.Ravichandran, Advocate, sr.25511

C.M.A.No.2449 of 2015

sks co
kra 21.06.2016



WEB COPY