

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.11.2016

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THE HONOURABLE MR.JUSTICE T.RAJA

C.M.A. No.991 of 2015 and

The Managing Director,
Tamil Nadu State Transport
Corporation Limited,
(Coimbatore Division),
Mettupalayam Road,
Coimbatore, Coimbatore District.

.. Appellant

Versus

1.Savithri
2.Murugesan
3.Karupusamy

.. Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 05.11.2012 made in M.C.O.P.No.190/2011 on the file of the Motor Accidents Claims Tribunal, (III Additional District Judge), Gobichettipalayam.

For Appellant : Ms.R.T.Sundari

For Respondents : Mr.S.P.Yuvaraj for R1 and R2
R3 died

J U D G M E N T

Aggrieved over the impugned award dated 05.11.2012 made in M.C.O.P.No.190/2011 on the file of the Motor Accidents Claims Tribunal, (III Additional District Judge), Gobichettipalayam, the Transport Corporation/ appellant has brought this appeal.

2. According to the claimants, on 28.08.2011 at about 03.00 a.m., when the deceased was riding his Mini Auto bearing Registration No.TN33 AB 7719 in Kunrathur-Gopi Main Road, a bus bearing Registration No.TN33 N 2100, belonging to the appellant's Transport Corporation, which was driven by its driver in a rash and negligent manner, hit against the said Mini Auto. Due to the same, the deceased sustained fatal injuries and died on the spot. According to the claimants, the accident had happened due to the rash and negligent driving of the driver of the bus.

3. Learned counsel appearing for the appellant would submit that the learned Tribunal has erred in fixing the age of the mother of the deceased and adopted the wrong multiplier '14', without any documentary evidence to prove the same. She would further submit that when the deceased was only a driver, the learned Tribunal ought not to have fixed Rs.5,04,000/- towards loss of dependency, which is on the higher side and therefore, the finding made by the learned Tribunal needs interference.

4. Per contra, learned counsel for the claimants would submit that when a claim has been made by the claimants stating that the deceased was earning a sum of Rs.7,500/-, the learned Tribunal has fixed only a sum of Rs.6,000/- as notional monthly income of the deceased. He would further submit that the learned Tribunal has not added any amount towards future prospects. Adding further, he would submit that when the learned Tribunal

has fixed only a meagre amount towards total compensation, the contention made by the learned counsel for the appellant that the amount awarded by the learned Tribunal is exorbitant, cannot be accepted.

5. When there was a claim made by the claimant before the learned Tribunal stating that the deceased was an Auto Driver and was earning a sum of Rs.7,500/- per month, the learned Tribunal has fixed only a sum of Rs.6,000/- as notional monthly income of the deceased. As he was a bachelor at the time of accident, it has rightly deducted 50% of the income towards his personal expenses and has adopted the multiplier '14', considering the age of the mother of the deceased and it has arrived at a sum of Rs.5,04,000/- towards loss of dependency, which cannot be found fault with. The learned Tribunal has awarded only a sum of Rs.5,000/- towards loss of love and affection and Rs.5,000/- towards funeral expenses, which are not considered to be exorbitant. As contended by the learned counsel for the claimants, no amount has been added towards future prospects. Therefore, the challenge made to the quantum is wholly un-warranted and this Court is not inclined to interfere with the same. Accordingly, the appeal fails and the same is dismissed. No costs. Consequently, connected M.P. is also dismissed.

6. Since the learned counsel for the appellant submitted that the appellant has deposited Rs.25,000/- towards statutory deposit, the balance amount is directed to be deposited within a period of four weeks from the

T.RAJA, J.

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date of receipt of a copy of this order. On such deposit, it is for the claimants to move a petition before the learned Tribunal for withdrawing the said amount.

21.11.2016

Index : Yes / No
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To
1.The Motor Accidents Claims Tribunal,
(III Additional District Judge),
Gobichettipalayam.

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

C.M.A. No.991 of 2015
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