

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.08.2016

CORAM

THE HON'BLE MR. JUSTICE T.MATHIVANAN

C.M.A.No.791 of 2016

&

C.M.P.No.6408 of 2016

The Managing Director
Tamil Nadu State Transport Corporation
(Villupuram) Limited, Division -I
3/137, Salamedu, Vazhudhareddy Post
Villupuram – 605 602

... Petitioner

Vs.

1.K.Sathya
2.Minor Sivagami
3.Minor K.Sundar
4.Kalyani
5.K.Jayanthi

... Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 24.11.2015 made in M.C.O.P.No.3295 of 2013 on the file of Motor Accident Claims Tribunal (Principal District Judge), Cuddalore.

For Appellant : Mr.S.Sairaman

JUDGMENT

Questioning the quantum of award, the appellant Transport Corporation has filed this appeal under Section 173 of the Motor Vehicles Act, 1988.

2. This Court heard the submissions of Mr.S.Sairaman, learned counsel appearing for the appellant and perused the grounds of appeal including the award of the Tribunal dated 24.11.2015. After due consideration, this Court is of the view that the appeal itself could be disposed of at the stage of admission itself as no grounds are available to interfere with the award passed by the Tribunal.

3. It is revealed from the records that the respondents herein being the widow, children and parents of the deceased Kathirvel had moved the Motor Accidents Claims Tribunal (Principal District Judge), Cuddalore with a claim petition in M.C.O.P.No.3295 of 2013 claiming a sum of Rs.25,00,000/- for the death of the deceased Kathirvel, being the kartha of the family, in a Road Traffic Accident said to have been taken place on 10.10.2013 at about 09.45 pm opposite to Velaveti Colony Salai, Cuddalore, Kandrakottai involving a passenger bus belonging to the appellant Tamil Nadu State Transport Corporation

Despite strenuous contest made by the appellant, the Tribunal, on appreciation of evidences, both oral and documentary, had proceeded to award totally a sum of Rs.11,80,000/- directing the appellant Transport Corporation to pay the said amount with interest at 8% per annum.

4. Mr.S.Sairaman, learned counsel for the appellant Transport Corporation has submitted that the Tribunal, mainly placing reliance upon the claimants' evidence, had proceeded to pass the award without considering the stand taken by the appellant Transport Corporation. He has added further that the finding of the Tribunal with respect to negligence was contrary to the evidence on record which also seemed to be perverse and unsustainable.

5. Insofar as this case is concerned, this appeal seems to have been filed mainly on the ground of quantum. Therefore, the question of negligence will not arise in this case. It is to be noted that the deceased Kathirvel was aged about 30 years at the material time and was working as head cook and earned a sum of Rs.15,000/- per month. But the Tribunal had determined the income of the deceased at Rs.6000/- per mensem. Since the deceased was aged about 30 years, multiplier 17 was selected and based on the monthly income of

Rs.6,000/- and applying the multiplier of '17', the Tribunal had calculated the pecuniary loss of the family at Rs.9,18,000/- and apart from this, the Tribunal had also awarded compensation under the following heads:

Loss of consortium to the first claimant	- Rs. 50,000.00
Loss of love and affection to R1 to R3	- Rs.1,50,000.00
Loss of Love and affection to R4 & R5 (Rs.20,000/- each)	- Rs. 40,000.00
Transportation and Funeral Expenses	-Rs. 25,000.00

Totally, the Tribunal had awarded a sum of Rs.11,83,000/-, which was rounded off to Rs.11,80,000/-.

6. This Court has considered the submissions made by Mr.S.Sairaman, learned counsel for the appellant.

7. On a perusal of the award, this Court is of the view that the award of the Tribunal does not require any interference or modification and the appeal is deserved to be dismissed as the same is devoid of any merits.

8. Accordingly, this Civil Miscellaneous Appeal is dismissed. It is brought to the notice of this Court that the Tribunal had awarded interest at the rate of 8% per annum. But, as per the prevailing rate

of interest as suggested by Mr.S.Sairaman, the learned counsel for the Transport Corporation, is directed to pay interest at the rate of 7.5%. It is also brought to the notice of this Court that while admitting the appeal, this Court had passed a conditional order directing the Transport Corporation to deposit the entire award amount, but still the said order has not been complied with. Hence, the Transport Corporation is directed to deposit the entire award amount with 7.5% interest within a period of eight weeks from the date of receipt of a copy of this order. On such deposit being made, the respondents are entitled to withdraw the entire amount and apportion the same as detailed in the award passed by the Tribunal. No costs. Consequently, the connected miscellaneous appeal is closed.

16.08.2016

Index: Yes/No

Internet: Yes

gpa

To

The Motor Accident Claims Tribunal

(Principal District Judge), Cuddalore

T.MATHIVANAN.J.,

gpa

C.M.A.No.791 of 2016 &
C.M.P.No.6408 of 2016

16.08.2016