

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2016

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

C.M.A.No.793 of 2016

&

C.M.P.No.6418 of 2016

The Managing Director,
Tamil Nadu State Transportation Corporation
(Villupuram Division - I) Limited,
Villupuram-05 602. Appellant/Respondent

Vs.

1.M.Dhanalakshmi
2.K.Nagammal
3.M.Nandhini
4.M.Iyyanar Respondents/Claimants

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the order and decretal order dated 29.10.2015 made in M.C.O.P.No.994 of 2013 on the file of the Motor Accident Claims Tribunal (Principal District Judge) at Cuddalore.

For Appellant : Mr.S.Sairaman

J U D G M E N T

The Transport Corporation has come up with this appeal challenging the quantum of compensation awarded by the Tribunal.

2. On 12.03.2013, when the deceased Murugan was riding his tricycle from East to South keeping left side of Cuddalore to Chidambaram Main Road at Kuttaikara Street, the appellant's bus bearing Reg. No.TN-32-N-3834 came in the same direction in a rash and negligent manner and dashed against the tricycle of the deceased. Due to fatal injuries, the deceased died on the spot. The Cuddalore O.T.P.S. had registered a criminal case against the driver of the appellant Transport Corporation bus in Cr.No.170 of 2013. According to the claimants, the deceased was the owner and driver of the tricycle and he was the only breadwinner of the family. The Claim Petition in MCOP No.994 of 2013 has been filed by his wife, two daughters and son, before the Tribunal, seeking a sum of Rs. 20,00,000/- as compensation.

3. After analyzing the available oral and documentary evidence, the Tribunal awarded a sum of Rs.8,32,000/- as compensation, under the following heads:

Heads	Amount
Loss of dependency	Rs.7,02,000.00
Loss of consortium	Rs. 25,000.00
Love and Affection (each petitioners Rs.20,000/-)	Rs. 80,000.00
Transport and Funeral Expenses	Rs. 25,000.00
Total	Rs. 8,32,000.00
Rounded off	Rs.8,30,000.00

4. Learned counsel appearing for the appellant/Transport Corporation would mainly contend that the quantum of compensation awarded by the Tribunal is too high. He would further contend that the Tribunal failed to accept the evidence of RW1 and also the final report filed by the police and the FIR was closed as mistake of fact.

5. On the other hand, learned counsel appearing for the respondents/claimants would submit that the deceased was the only breadwinner of the family and his death is an irreparable loss to them. The Tribunal has rightly fixed a monthly income of the deceased at Rs.6,000/- and after deduction of 1/4th for personal expenses, has rightly adopted the multiplier '13' and the loss of dependency was arrived at Rs.7,02,000/-, which is not in dispute. Hence, the appeal has to be dismissed.

6. A perusal of the records would show that the Tribunal has granted only a sum of Rs.25,000/- as compensation towards consortium, which is very meagre, though the Tribunal ought not to have awarded compensation towards love and affection in respect of the first claimant as she is entitled only for loss of consortium. Considering the fact that the amount awarded under the head "loss of consortium" is very meagre, this Court feels that no interference is warranted for awarding compensation under the head "love and affection" for the first claimant. Hence, the award of the Tribunal under all heads are hereby confirmed.

7. In fine, the Civil Miscellaneous Appeal is dismissed, confirming the quantum of compensation and the rate of interest at 8% per annum awarded by the Tribunal. It is made clear that if no amount is deposited so far, the appellant/Transport

Corporation is directed to deposit the entire award amount together with accrued interest to the credit of M.C.O.P.No.994 of 2013 on the file of the Motor Accidents Claims Tribunal, Principal District Judge, Cuddalore, within a period of eight weeks weeks from the date of receipt of a copy of this order. On such deposit, the Tribunal shall pay compensation to the claimants in the form of a crossed Account Payee Cheque, favouring only the claimants and it should not be issued in favour of any other person/Company. No costs. Consequently, connected C.M.P.No.6418 of 2016 is also closed.
kal

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

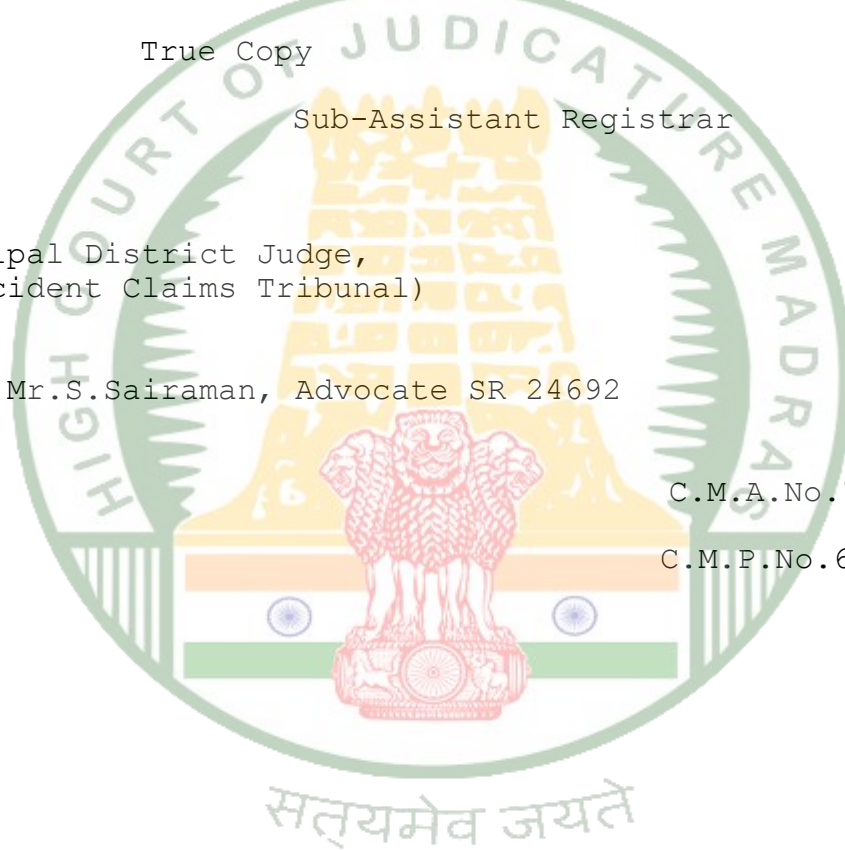
To :

The Principal District Judge,
(Motor Accident Claims Tribunal)
Cuddalore.

+ 1 cc to Mr.S.Sairaman, Advocate SR 24692

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