

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2016

CORAM

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

C.M.A. No. 883 of 2016

&

C.M.P. No.7101 of 2016

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Villupuram. ..Appellant/respondent

Vs.

- 1.T.Sumathi
2. Minor T.Pushpasaram
3. Minor T.Vasan
(Minors represented by
mother Guardian T.Sumathi)
4. R.Meenakshi ..Respondents/Petitioners

Prayer: Civil Miscellaneous Appeal filed Under Section 173 of the Motor Vehicles Act, 1988 as against the Judgment and decree dated 22.01.2014 made in M.C.O.P. No. 308 of 2011 on the file of Motor Accidents Claims Tribunal (Principal District Judge), Cuddalore.

For Appellant :: Mr.P.Paramasiva Doss

J U D G M E N T

This Civil Miscellaneous Appeal is preferred by the Transport Corporation as against the judgment and decree dated 22.01.2014 made in M.C.O.P. No. 308 of 2011 on the file of Motor Accidents Claims Tribunal (Principal District Judge), Cuddalore.

2. Heard the learned counsel for the appellant and perused the materials on record.

3. The legal representatives approached the Tribunal claiming compensation to the tune of Rs.25,00,000/- stating that a 33 year old Building Contractor whose monthly income was Rs.25,000/- per month had met with the fatal accident on

26.11.2010, which was answered by the Tribunal by fixing the monthly income at Rs.6,000/- per month and had awarded compensation vide order dated 22.01.2014 to the tune of Rs.9,24,000/- under various heads, at 6% interest per annum, which are as follows:-

Sl. No.	Head	Amount granted by the Tribunal
1	Loss of dependency	Rs.8,64,000/-
2	Loss of consortium	Rs. 10,000/-
3	Loss of love and affection towards 2 & 3 claimants	Rs. 20,000/-
4	Loss of love and affection to 4 th claimant	Rs. 10,000/-
5	Transport expenses	Rs. 10,000/-
6	Funeral expenses	Rs. 10,000/-
	Total	Rs.9,24,000/-

4. The only grievance of the appellant is that the Tribunal has erroneously fixed the monthly income at Rs.6,000/- and the Tribunal has accepted the claim without any proof with regard to wages.

5. The Hon'ble Apex Court Judgment in the case of "Syed Sadiq and others versus Divisional Manager, United India Insurance Co.Ltd." reported in 2014 ACJ 627, in respect of a vegetable vendor, who sustained injuries in an accident which occurred in 2008, determined Rs.6500/- as the monthly income. As far as this case is concerned, the accident had occurred on 26.11.2010. Hence, fixation of a sum of Rs.6,000/- per month by the Tribunal is justified.

6. Further, taking note of the fact that the wife, mother and two minor children are the claimants, and when the Tribunal has not granted any amount towards future prospects, this Court is of the view that the compensation awarded by the Tribunal for the loss of life of a Building Contractor cannot be said to be excessive, more particularly, there was an eye witness P.W.2, who had spoken about the incident and when a very meagre amount was awarded for loss of consortium and for loss of love and affection. Hence, this Court is not inclined to interfere with the compensation awarded by the Tribunal.

7. Hence, finding no merit, this Civil Miscellaneous Appeal is dismissed by confirming the award of the Tribunal so also the

rate of interest granted by the Tribunal. No costs. Connected miscellaneous petition is closed.

8. The Appellant Transport Corporation is directed to deposit the entire award amount together with proportionate costs and interest from the date of claim petition to the credit of M.C.O.P.No.308 of 2011 on the file of the Motor Accidents Claims Tribunal, Principal District Judge, Cuddalore, within a period of six weeks from the date of receipt of a copy of this order and on such deposit being made, the first respondent / first claimant is entitled to make necessary application to withdraw the same as apportioned by the Tribunal. As far as the respective shares of the minors are concerned, the same shall be invested in a Nationalized Bank under fixed deposit scheme, initially for a period of one year and thereafter, renewed periodically. The first respondent / claimant is permitted to withdraw the interest accrued therein, once in three months. It is made clear that the guidelines given by this Court in C.M.A.No.428 of 2016 vide judgment dated 11.03.2016 should be strictly followed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

The Principal District Judge,
Motor Accidents Claims Tribunal,
Cuddalore.

C.M.A. No. 883 of 2016

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