

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2016

CORAM

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

C.M.A. No. 886 of 2016

&

C.M.P. No.7112 of 2016

The Managing Director
Metropolitan Transport Corporation Limited
No.2, Pallavan Salai
Chennai 2.

...Appellant

Vs.

1.Minor N.Premkumar

2. Minor N.Keerthivasan
(Minors represented by their
guardian Grand mother M.Jaya)

3. T.Nedunchezian

...Respondents

Civil Miscellaneous Appeal as against the Judgment and decree dated 15.10.2014 made in M.C.O.P. No. 2434 of 2012 on the file of Motor Accidents Claims Tribunal (III Court of Small Causes), Chennai.

For Appellant :: Mr.S.S.Swaminathan

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 dated 15.10.2014 made in M.C.O.P. No. 2434 of 2012 on the file of Motor Accidents Claims Tribunal (III Court of Small Causes), Chennai.

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

3. The claimants are the minor children of the deceased, who was a female domestic servant. The husband of the deceased was shown as the respondent before the Tribunal and the Tribunal has not granted any relief to him. Claiming compensation to the tune of Rs.10 lakhs, the claimants

approached the Tribunal and the Tribunal, based on the oral and documentary evidence, awarded compensation to the tune of Rs.8,33,000/-. Aggrieved over the same, the appellant is before this Court.

4. The only grievance of the appellant is that the Tribunal ought not to have adopted the multiplier at 16 and it should have been 15 as the deceased was in the age group of 35 and 40, since, in terms of Sarla Verma's case, the multiplier should be 15, the Tribunal has erroneously adopted 16 multiplier, when it is actually 15. Further, the Tribunal, by taking note of the evidence of P.Ws.1 and 2 and when there was no evidence on the part of the appellant's side, based on Exs.P1 to P7, holding that the accident was caused to the deceased who was a pedestrian and she died on the spot on account of the fatal injuries, granted compensation of Rs.4,16,500/- to each of the claimants totalling a sum of Rs.8,33,000/- against the demand of Rs.10,00,000/- made by the claimants.

5. The Honourable Apex Court, in the judgment rendered in Syed Sadiq V. Divisional Manager, United India Insurance Co. Ltd reported in 2014 (1) TN MAC 459 (SC), in respect of a vegetable vendor, who sustained injuries in an accident which occurred in 2008, determined Rs.6500/- as the monthly income. The accident in this case took place on 08.10.2011. Taking note of Syed's case referred to above, the contention of the appellant that the Tribunal has erred in fixing the income of the deceased at Rs.6,000/- per month, which is on the higher side cannot be accepted.

6. Further, the Tribunal, after deducting 1/3rd towards personal expenses from the monthly income of Rs.6,000/- took the income at Rs.4,000/- and by adopting '16 multiplier, granted the compensation of Rs.7,68,000/- towards pecuniary loss apart from granting a sum of Rs.50,000/- under the head "loss of love and affection" and a sum of Rs.15,000/- for funeral expenses, totalling a sum of Rs.8,33,000/-. Even assuming for the sake of argument that the multiplier should be taken as 15 instead of 16, the amount granted to the minors under the head 'loss of love and affection' is very meager. 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. The rate of interest at 7.5% p.a. granted by the Tribunal is confirmed. 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 @ 7.5% per annum from the date of claim

petition to the credit of M.C.O.P.No.2434 of 2012 on the file of the Motor Accidents Claims Tribunal, III Court of Small Causes, Chennai within a period of six weeks from the date of receipt of a copy of this order.

9. On such deposit, the proportionate share of the minor claimants shall be deposited in any one of the Nationalised Banks initially under reinvestment scheme for a period of three years, renewable thereafter periodically and the interest accrued thereon shall be withdrawn by their natural guardian, once in three months, till the minors attain majority. It is also 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.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To
The III Court of Small Causes),
Motor Accidents Claims Tribunal, Chennai.

C.M.A. No. 886 of 2016

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