

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2016

CORAM

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

C.M.A. No. 834 of 2016

&

C.M.P. No.6865 of 2016

The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam Division) Limited,
Kumbakonam 612 001.

...Appellant

Vs.

1.R.Murugan
2. M.Kuppammal
3. M.Mariyappan
4.M.Tamizhselvi
5.Minor M.Subash
6.Minor M.Raja

(Minors represented by their
father/natural Guardian Murugan)

...Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicle Act, 1988, as against the Judgment and decree dated 25.03.2015 made in M.C.O.P. No. 109 of 2014 on the file of Motor Accidents Claims Tribunal (Principal District Judge), Cuddalore.

For Appellant :: Mr.D.Venkatachalam

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 25.03.2015 made in M.C.O.P.No.109 of 2014 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 24 year old commission agent whose monthly income was

Rs.15,000/- per month had met with a fatal accident on 04.10.2013, which was answered by the Tribunal by fixing the monthly income at Rs.6,000/- per month and had awarded compensation to the tune of Rs.9,04,000/- 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 love and affection	Rs. 20,000/-
3	Transport expenses	Rs. 10,000/-
4	Funeral expenses	Rs. 10,000/-
	Total	Rs.9,04,000/-

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.6,500/- as the monthly income. As far as this case is concerned, the accident had occurred on 04.10.2013. Hence, fixation of a sum of Rs.6,000/- as income per month by the Tribunal is justified.

6. Further, taking note of the fact that the parents, unmarried sister, brother and two minor brothers 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 agriculturist and commission agent cannot be said to be excessive. Since no amount had been granted for loss of consortium and the amount awarded under other heads are also very meagre, 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.109 of 2014 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 and second respondents/first and second claimants are entitled to make necessary application to withdraw the same as apportioned by the Tribunal. It is made clear that the guidelines given by this Court in C.M.A.No.428 of 2016 should be strictly followed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

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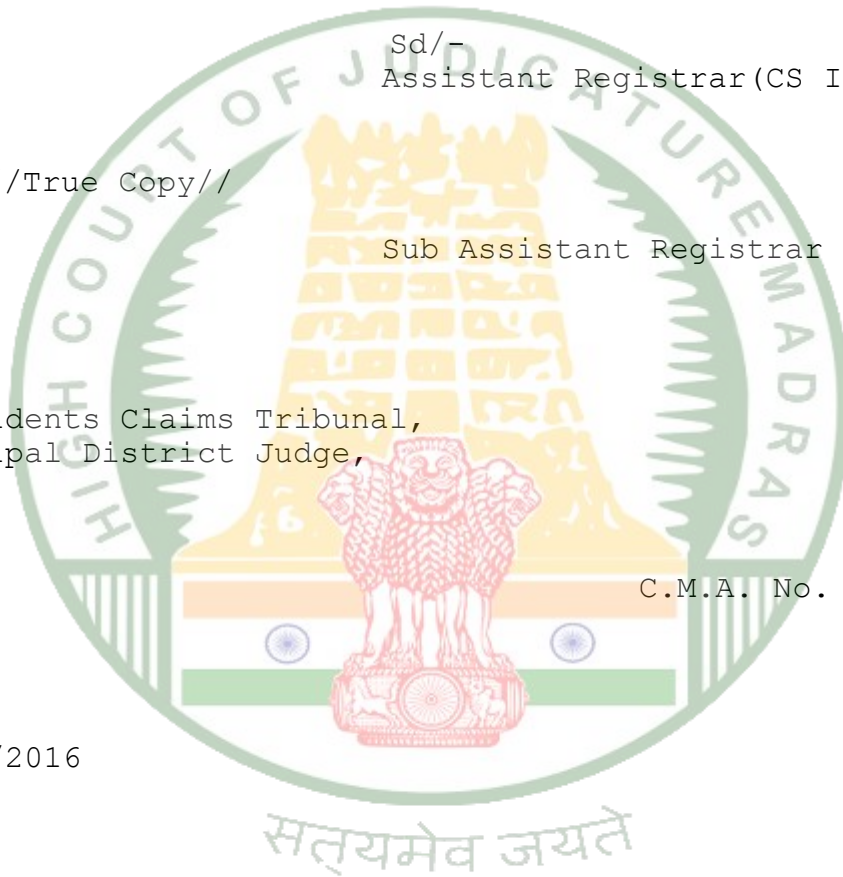
Sub Assistant Registrar

To

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

C.M.A. No. 834 of 2016

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srg 24/06/2016



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