

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2016

CORAM:
THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

C.M.A.No.210 of 2014

The Managing Director,
Tamil Nadu State Transport
Corporation Ltd.,
No.12, Ramakrishna Road,
Salem - 7.

... Appellant/Respondent

Vs.

1. Maina

2. G.Murugan

... Respondents/Petitioners

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 11.10.2011 made in M.A.C.T.O.P No.56 of 2009 on the file of the Motor Accidents Claims Tribunal, Subordinate Judge, Mettur.

For Appellant : Mr.D.Venkatachalam

J U D G M E N T

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

2. In an accident which occurred on 27.06.2008, the deceased Arun Selvakumar sustained grievous injuries and died on the spot. The deceased was aged 18 years at the time of accident. The parents of the deceased filed a Claim Petition before the Tribunal seeking a sum of Rs.10,00,000/- as compensation. After analyzing the available oral and documentary evidence, the Tribunal awarded a sum of Rs.3,77,000/- as compensation under the following heads:

Heads	Amount
Pecuniary damages and future prospects	Rs.3,75,000.00
Transport to Hospital	Rs. 2,000.00
Total	Rs.3,77,000.00

3. It is the contention of the learned counsel appearing for the appellant/Transport Corporation that the Tribunal ought not to have awarded Rs.3,75,000/- towards pecuniary damages and future prospects, as the deceased was only a 18 year old non-earning member at the time of accident.

4. The claimants herein are the father and mother of the deceased. According to them, at the time of accident, the deceased was aged 18 years; he studied upto 10th standard in Kullamadaiyanoor Government Higher Secondary School and aspired to become a Doctor. The Tribunal, relying on a decision of the Apex Court reported in (2009 (1) TNMAC 593 (SC)), has awarded a sum of Rs.3,75,000/- towards pecuniary loss and future prospects, which in view of this Court is not excessive. Had the deceased been alive, he would have studied further and would have earned a sumptuous amount as salary, as it is represented by the claimants that he was a bright student. Assuming that the Tribunal had fixed a sum of Rs.4000/- as the notional monthly income of the deceased, after deducting 50% towards his personal expenses and applying the multiplier of '18', compensation towards pecuniary loss comes to Rs. 4,32,000/- (Rs.2000/- x 12 x 18). Hence, in such view of the matter, the compensation awarded by the Tribunal towards 'Pecuniary damages and future prospects' and 'Transport to hospital' is confirmed.

5. In fine, the Civil Miscellaneous Appeal is dismissed, confirming the quantum of compensation, i.e. a sum of Rs.3,77,000/- (Rupees Three Lakhs Seventy Seven Thousand only) and the rate of interest at 6% 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.56 of 2009 on the file of the Motor Accidents Claims Tribunal, Subordinate Judge, Mettur within a period of four 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 M.P.No.1 of 2014 is closed.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

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To :

The Subordinate Judge,
Motor Accidents Claims Tribunal,
Mettur.

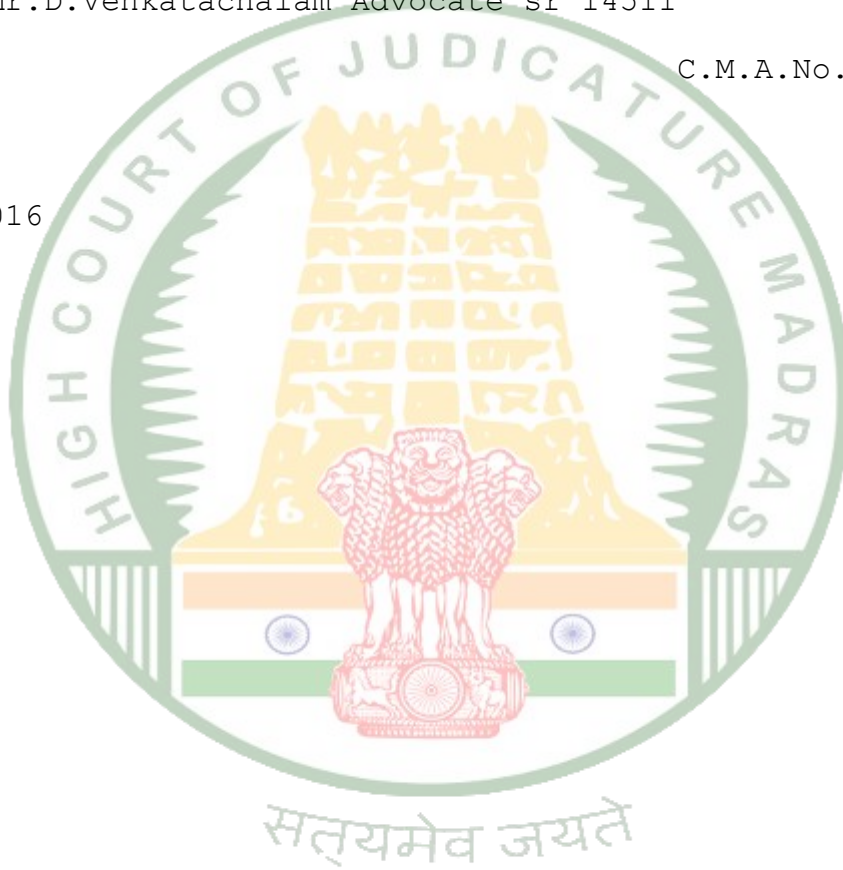
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The Section Officer
VR Section High Court Madras

+1 cc to Mr.D.Venkatachalam Advocate sr 14511

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