

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.07.2016

CORAM

THE HON'BLE MR. JUSTICE T.MATHIVANAN

C.M.A.No.264 of 2014

The Managing Director
Tamil Nadu State Transport
Corporation Limited
Koavai Division 2, Chennimalai Road,
Erode.

... Appellant/Respondent

Vs.

1. Jagadeesan ... Respondent/Petitioner
2. M.Selvaraj ... Respondent/Respondent

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the award dated 07.12.2011 and made in the claim petition in M.C.O.P.No.208 of 2009 on the file of the Motor Accidents Claims Tribunal (Fast Track Court No.III), Dharapuram.

For Appellant : Mr.S.V.Vasanthakumar

For 1st Respondent: Mr.Ma.Pa.Thangavel

JUDGMENT

Questioning the quantum of the award dated 07.12.2011 and made in the claim petition in M.C.O.P.No. 208 of 2009, the appellant/Transport Corporation, who is the second respondent in the main claim petition, has preferred this appeal.

2. The first respondent herein, who is none other than the father of the deceased Sampath Kumar, had moved the claims tribunal with a claim petition in M.C.O.P.No. 208 of 2009 and thereby sought the relief of compensation to the extent of Rs.10,00,000/- for the death of the son, in a road traffic accident, said to have been taken place on 07.12.2005 involving a passenger bus belonging to the appellant/Transport Corporation, bearing Registration No. TN 33 N 1275.

3. The first respondent remained ex-parte as he had not chosen to contest the claim. The appellant/Transport

Corporation, being the second respondent therein, had contested the claim of the respondent/claimant. The Tribunal, on evaluating the evidence both orally and documentary, had proceeded to award totally a sum of Rs.2,94,000/- directing the appellant/Transport Corporation to pay this amount along with interest at the rate of 7.5% p.a., from the date of petition till the date of payment.

4. As observed in the opening paragraph, the appellant/Transport Corporation had filed this appeal mainly on the ground of quantum.

5. According to the first respondent/claimant, the deceased was aged about 23 years at the time of accident and was working as Power Loom Mechanic and earned a sum of Rs.6,000/-, but the Tribunal had assessed his age at 27. Since he was unmarried at the time of occurrence, the age of his father was taken into account for the purpose of calculating the pecuniary loss of the family. The Tribunal had also found that the deceased's father was aged about 55 years and accordingly, the multiplier of 11 was selected. Further the monthly income of the deceased was determined at Rs.3,000/-. Towards the personal and living expenses 1/3rd was given deduction and applying the multiplier of 11, the loss of dependency of the family was calculated at Rs.2,64,000/-. Apart from this, towards loss of love and affection, a sum of Rs.20,000/- and for funeral expenses, a sum of Rs.10,000/- were awarded and totally, the Tribunal had awarded a sum of Rs.2,94,000/- directing the appellant/Transport Corporation to pay the amount with interest at 7.5% p.a., from the date of petition within a period of one month.

6. This Court has carefully considered the submissions made by the learned counsel appearing for the appellant as well as the submissions made by the learned counsel appearing for the first respondent/claimant.

7. This Court has also perused the award passed by the Tribunal and found that the award itself seems to be reasonable and therefore, this Court does not find any adequate ground for interference. Accordingly, the Appeal is dismissed and the award passed by the Tribunal is confirmed. No costs.

8. The appellant/Transport Corporation is directed to deposit the entire award amount along with accrued interest and costs within a period of four weeks (if not deposited earlier) to the credit of the claim petition in M.C.O.P.No. 208 of 2009 on the file of Motor Accidents Claims Tribunal, (Fast Track Court No.III), Dharapuram. On such deposit being made, the first respondent/claimant is entitled to withdraw the entire

amount along with accrued interest and costs without actually filing any formal application seeking permission.

Vsg

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

The Motor Accidents Claims Tribunal,
Fast Track Court No.III, Dharapuram.

+ 1 cc to Mr.Ma.Pa.Thangavel, Advocate Sr 37801

KR/8/8/16

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