

C.M.P.No.15295 of 2016 in C.M.A.No.SR91288 of 2012T.RAJA, J.

The Managing Director of the Tamil Nadu State Express Transport Corporation, being aggrieved by the award passed by the Motor Accident Claims Tribunal (Principal Subordinate Judge), Mayiladuthurai in M.C.O.P.No.65 of 2011 dated 9.3.2012 awarding a meagre compensation of Rs.7,05,000/- for the loss of life of the son of the claimants, aged about 22 years, who was working as a Driver and earning a monthly salary of Rs.15,000/-, has proposed to file the appeal questioning the quantum of compensation. In the meanwhile, a delay of 89 days in filing the appeal has occurred. Therefore the present petition has been filed to condone the aforementioned delay.

2. On 11.9.2010, when the son of the claimants, namely, Karunakaran was driving the Tata Ace load van bearing Registration No.TN 51 Q 6508 from Pudupattinam to Thirupathur, a bus bearing Registration No.TN 01 N 6640 belonging to the Transport Corporation, coming from the opposite direction, dashed against the van driven by Karunakaran, as a result he died on the spot. Therefore it was claimed that he was working as Driver and getting a salary of Rs.15,000/- per month and with that salary, he was supporting his parents and other family members and due to his sudden death, now the entire family is put to problem. Therefore, the Tribunal has fixed a sum of Rs.5,000/- as the notional monthly income of the deceased on the ground that there was no proof of income filed and after deducting one-third thereof, applied the '17' multiplier. It is also seen that no amount whatsoever has been added towards the future prospects, as per the ratio laid down by the Apex Court in Sarala Verma's case, 2009 (2) TN MAC 1 (SC). Therefore, even on merits also, this Court may not be in a position to interfere with the award. While so, the Transport Corporation has

filed the appeal with a delay of 89 days. When the award was passed on 9.3.2012, they applied for the certified copy on 30.3.2012 with a delay of 21 days and after the same was delivered on 22.5.2012, for no reason, they have further delayed the matter, as a result a delay of 89 days has occurred. Therefore, this Court finds no sufficient cause to condone the said delay. Accordingly, C.M.P.No.15295 of 2016 is dismissed. C.M.A.No.SR91288 of 2012 stands rejected.

3. Needless to mention that the Transport Corporation shall deposit the entire award amount along with interest and costs to the credit of M.C.O.P.No.65 of 2011 on the file of the Motor Accident Claims Tribunal (Principal Subordinate Judge), Mayiladuthurai within a period of four weeks from the date of receipt of a copy of this order. On such deposit, it is for the claimants to withdraw the apportioned amount along with accrued interest by moving appropriate applications before the Tribunal.

30.09.2016

ss

T.RAJA, J.

C.M.P.No.15295 of 2016
in C.M.A.No.SR91288 of 2012

30.09.2016