

C.M.P.Nos.15349 & 15350 of 2016 in C.M.A.No.SR80397 of 2013

T.RAJA, J.

C.M.P.Nos.15349 & 15350 of 2016 have been filed by the Managing Director of Tamil Nadu State Transport Corporation (Salem) Limited to condone the delay of 1088 days in paying the deficit Court fee of Rs.450/- in C.M.A.No.SR80397 of 2013 and to condone the delay of 1093 days in representing the C.M.A.No.SR80397 of 2013, as against the award dated 30.4.2013 passed in M.C.O.P.No.47 of 2013 by the Motor Accident Claims Tribunal, District Judge, Krishnagiri granting a sum of Rs.8,67,780/- for the loss of life of the breadwinner in the claimants' family.

2. Learned counsel for the petitioner-Transport Corporation submitted that since the Tribunal has arrived at the loss of future income of the deceased by adding 30% of the notional monthly income towards future prospects, the Transport Corporation has been advised to file the present appeal. Learned counsel also submitted that the entire award amount along with interest thereon has already been deposited before the Tribunal.

3. But the contention of the learned counsel for the petitioner is wholly misconceived. The reason is that the Apex Court in the decision in **Rajesh and others v. Rajbir Singh and others, 2013 (3) CTC 883**, while considering the

ratio laid down in **Sarala Verma v. Delhi Transport Corporation, 2009 (2) TNMAC 1**, has held that 30% of the notional income can be added towards future prospects even for self-employed persons. Therefore, even if the appeal is entertained by condoning the delay, no purpose would be served. Hence this Court, finding no sufficient cause, is not inclined to entertain the miscellaneous petitions to condone the delay in re-presentation and to pay the deficit Court fee, as they are hopelessly barred in time. Accordingly, both the civil miscellaneous petitions are dismissed. C.M.A.No.SR80397 of 2013 stands rejected.

4. Since the entire award amount has already been deposited before the Tribunal, the learned counsel for the claimants sought permission to withdraw the same. Needless to mention that the claimants are entitled to withdraw the entire apportioned amount together with accrued interest by moving appropriate applications before the Tribunal.

26.09.2016

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