IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 14.11.2017

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

C.M.A. NO. 1436 OF 2016

M/s.Metropolitan Transport
Corporation Ltd. Rep. By its
Managing Director,
No.2, Pallavan House,
Mount Road, Chennai 600 002. .. Appellant/Respondent

- Vs -

1. Mrs. Sivakumaravalli
2. Mr. Sankaranarayanan @
   Sathya Prakash (Minor)
3. Mrs. Kanakarathinam
4. Mr.Sankarasubbu
   (R-2 Minor rep. By Mother &
   Next Friend R-1) .. Respondents/Petitioners

Prayer:Civil Miscellaneous Appeal filed u/s 173 of the Motor Vehicles Act 1988 against the judgment and decree dated 25.08.2014 passed by the Motor Accident Claims Tribunal (Special Sub Judge-I to deal with MCOP Cases), Chennai, made in MCOP No.4420 of 2005.

For Appellant : Mr. S.Sivakumar
For Respondent : Mr. K.Suryanarayanan

JUDGMENT

The legal representatives of the deceased Muthumani have filed the claim petition claiming a sum of Rs.23,00,000/= for the death of the deceased in the accident that took place on 27.08.2008. As against the said compensation claimed, the Tribunal quantified the compensation at Rs.10,33,000/=, the break-up of which is given as under :-

Pecuniary Loss (Rs.4500X12X17)	:	Rs. 9,18,000/-
Loss of Consortium	:	Rs. 50,000/-
Loss of Love & Affection	:	Rs. 50,000/-
Funeral Expenses	:	Rs. 15,000/-
Total		Rs.10,33,000/-

2. For calculating the pecuniary loss, the Tribunal has adopted a multiplier of 17. It is the contention of the learned counsel for the appellant, relying on the ratio laid down by the

Supreme Court in a catena of decisions, that the deceased falls within the age group of 30 to 35 years and that the multiplier, which ought to have been adopted is only 16 and not 17.

3. The above contention of the learned counsel for the appellant is well founded and that for quantifying the pecuniary loss in case of persons, who are aged between 30 and 35 years, the multiplier to be adopted is 16. In such view of the matter, the Tribunal having fixed the monthly income of the deceased at Rs.4,500/=, adopting the correct multiplier of 16, the amount towards pecuniary loss should have been quantified at Rs.8,64,000/= (Rs.4,500 X 12 X 16). However, the pecuniary loss has been wrongly quantified at Rs.9,18,000/=, which is in excess by Rs.54,000/=.

4. In the above circumstances, the appeal is allowed in part reducing the compensation awarded under the head "Pecuniary Loss", by Rs.54,000/=. Quantification of compensation under all the other heads stand confirmed.

5. It is submitted that the Transport Corporation has already deposited 50% of the compensation awarded. The appellant/Transport Corporation is directed to deposit the balance amount on the basis of the determination arrived at by this Court, less the amount already deposited by it, along with accrued interest, within a period of eight weeks from the date of receipt of a copy of this order. On such deposit being made, the major claimants, on filing necessary application, shall be permitted to withdraw their respective share of compensation.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

GLN
To
Motor Accident Claims Tribunal
(Special Sub Judge-I to deal with MCOP Cases)
Chennai.

Copy to:The Section Officer,
VR Section, High Court, Madras(2 copies)

+1cc to Mr.S.Shivakumar, Advocate SR.No.80778
+1cc to Mr.K.Suryanarayanan, Advocate SR.No.80582

MR(CO)
sm:22.1.2018