IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 20.11.2017
CORAM:
THE HON'BLE Dr. JUSTICE S.VIMALA
C.M.A.No.1583 of 2016
& CMP No.8980 of 2017

Vasantha ... Appellant/Petitioner

..vs..

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Madurai ... Respondent/Respondent

Appeal filed under Section 173 of Motor Vehicles Act 1988, against the judgment and decree, dated 21.02.2013 made in M.C.O.P.No.289 of 2010 on the file of the Motor Accident Claims Tribunal / Chief Small Causes Court, Chennai.

For Appellant : Mr. J.Ramkumar
For Respondent : Mr. S.V.Vasanthakumar
R-1 exparte before the Tribunal.

J U D G M E N T

The sole Legal Representative of the deceased Chidambaram, namely, the wife, has filed the claim petition for compensation in respect of the death of Chidambaram, claiming a sum of Rs.9,00,000/- as compensation.

2. The deceased Chidambaram was aged 40, a Packer in a Thread Company, earning a sum of Rs.6,000/- per month, died in an accident that took place on 20.02.2009. The Tribunal on a consideration of the materials has quantified the compensation of Rs.7,22,000/-.

3. While quantifying the loss of dependency, the monthly income of the deceased has been taken at Rs.4,500/- and adopting 30% towards the future prospective increase in income and deducting 1/3rd towards the personal expenses, the loss of dependency has been calculated at Rs.7,22,000/-. This award is under challenge by the claimant on the ground that the loss of dependency and other itemization of compensation awarded are grossly inadequate and they do not suit the dignity and worth of the human being and therefore, the award has to be enhanced.

4. The learned counsel for the appellant relied upon the decision reported in Syed Sadiq v. Deputy Manager, United India Insurance Co. Ltd., reported in (2014) 1 TNMAC 459 and contended that when the accident is of the year 2009, the Tribunal has fixed the monthly income at Rs.6,500/- and therefore, in this

case, the monthly income should be taken at least at Rs.6,000/-.

5. This contention is well founded and if the monthly income is taken at Rs.6,000/-, awarding 30% towards future prospective increase in income and deducting 1/3rd towards the personal expenses and adopting the multiplier of 15, the compensation towards loss of dependency would be Rs.9,36,000/-. Awarding Rs.40,000/- towards the loss of loss of consortium and awarding Rs.25,000/- towards funeral expenses, the total compensation is quantified at Rs.10,01,000/-.

6. In the result, the Appeal is partly allowed and the total amount of compensation is enhanced from Rs.7,22,000/- to Rs.10,01,000/- and this amount of compensation shall be deposited less the amount already deposited along with interest at 7.5% per annum, from the date of petition till the date of deposit, within a period of six weeks from the date of receipt of a copy of this judgment. The appellant / claimant is not entitled to the interest for the default period. On such deposit being made by the respondent / Transport Corporation, the Tribunal shall transfer the compensation award amount to the Savings Bank Account of the appellant / claimant. The excess court fee shall be deposited by the claimant / appellant before receiving the copy of this judgment. No costs. Consequently, the connected CMP is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

srk
To

1.The Chief Judge,
Motor Accident Claims Tribunal / Small Causes Court,
Chennai.

2. The Section Officer, V.R.Section,
Madras High Court,
Chennai 104(+2 copies)

+1 cc to Mr.Ramkumar Advocate sr 82335
+1 cc to Mr.S.V.Vasanthakumar Advocate sr 83062

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