

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2017

CORAM:

THE HONOURABLE MRS. JUSTICE. PUSHPA SATHYANARAYANA

CMA.No.203 of 2015

and

M.P.No.1 of 2015

The Managing Director,
Tamil Nadu State Transport Corporation,
(Villupuram) District.
No.3/137, Salmedu, Vazhuthareddy,
Villupuram - 605 602. Appellant

Vs.

1. Sundaramurthy,
2. Sundari Respondents

Prayer : Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 30.09.2013 made in MCOP.No.128 of 2012 on the file of the Motor Accident Claims Tribunal, (Principal District Judge, Pondicherry.

For Appellant : M/s. K.J.Sivakumar

For Respondents : M.R.Rajarajan

J U D G M E N T
सत्यमेव जयते

Challenging the negligence as well as the quantum of compensation awarded by the Claims Tribunal, in M.C.O.P.No.128 of 2012, on 30.09.2013, the Transport Corporation has come forward with this Civil Miscellaneous Appeal.

2. The deceased Mr.Thiyagarajan, aged 25 years, a Mason died in an accident that occurred on 04.11.2011. Hence, his father and mother has filed a claim petition in M.C.O.P.No.128 of 2012, seeking compensation for a sum of Rs.10,00,000/-.

3. The Tribunal, on consideration of oral and documentary evidence has awarded a sum of Rs.4,45,000/-, with interest @ 7.5% per annum from the date of petition till the date of deposit. The break-up details of the same are as

follows:

Loss of dependency	-	Rs.4,05,000/-
Loss of love and affection	-	Rs. 25,000/-
Funeral expenses	-	Rs. 7,500/-
Loss of estate	-	Rs. 7,500/-
Total		Rs. 4,45,000/-

4. The learned counsel for the appellant submitted that the amount awarded under different heads are very high and the same needs to be reduced. It is his further submission that the tribunal ought not to have fixed the negligence on the part of the driver of the appellant corporation.

5.A perusal of the award would go to show that since no document is produced before the tribunal to substantiate that the deceased was earning a sum of Rs.5,00/- per day, the Claims Tribunal has fixed the monthly income of the deceased at Rs.4,500/- and after deducting half of the amount towards personal expenses and by adopting the multiplier has awarded a sum of Rs.4,05,000/-(4500x12-27000x15), which is reasonable. The Claims tribunal on considering the age of the deceased has rightly awarded a sum of Rs.25,000/- towards loss of love and affection. Though the claimants have claimed a sum of Rs. 1,00,000/- towards funeral expenses. Taking into consideration of the cost of living and price index at the time of the accident, the tribunal awarded a sum of Rs.7,500/- towards funeral expenses and the same is not challenged and a sum of Rs.7,500/- awarded towards loss of estate, was also not disputed and hence this Court is not inclined to interfere with the same.

6. In fine, this Civil Miscellaneous Appeal is dismissed confirming the Judgment and Decree of the Claims Tribunal, in M.A.C.T.O.P.No.128 of 2012, dated 30.09.2013. The appellant is directed to deposit the entire award amount ordered by the Tribunal, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

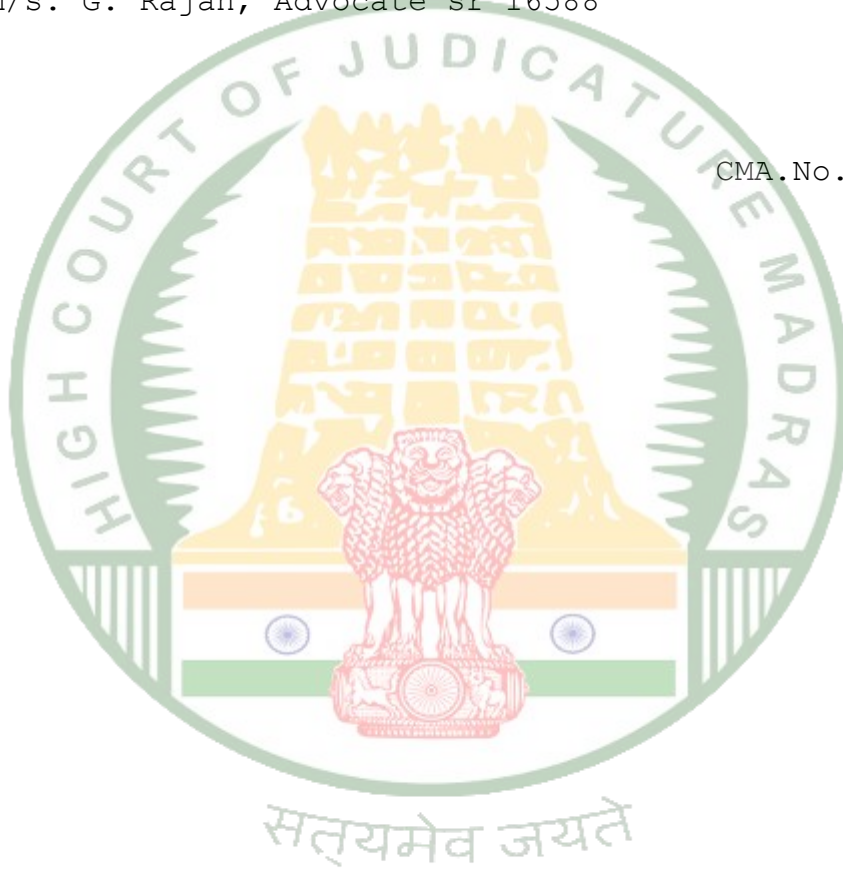
To

1. The Motor Accident Claims Tribunal,
District Judge, Pondicherry.
2. The Managing Director,
Tamil Nadu State Transport Corporation,
(Villupuram) District.
No.3/137, Salmedu, Vazhuthareddy,
Villupuram - 605 602.

+1 CC to M/s. G. Rajan, Advocate sr 16588

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