

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED 21.06.2017

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

C.M.A. No.3476 of 2013

and

C.M.P.Nos.881 of 2016

and 9754 of 2016

The Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan House, Chennai – 600 002. .. Appellant

versus

1. B.Sasirekha
2. M.Andal
3. B.Vijayalakshmi (Minor)
Rep by her mother and next friend Sasirekha .. Respondents

Appeal filed under Section 173 of the Motor Vehicles Act,
1988 against the Judgment and Decree dated 19.02.2013 made in
M.C.O.P.No.3423 of 2009 on the file of the Motor Accident Claims
Tribunal, Chief Small Causes Court, Chennai.

For appellant : Mr.S.V.Vasanthakumar

For Respondents : Mr.A.A.Venkatesan

J U D G M E N T

The award passed for a sum of Rs.8,38,800/- as against the claim
made for a sum of Rs.20,03,000/- is the subject matter of appeal, which
is being challenged by the Transport Corporation.

2. The Claimants, three members, have filed the claim petition for compensation claiming a sum of Rs.20,03,000/-, in respect of death of one Babu. Babu aged 32, working as a gas delivery man, Sree Devi Gas Agencies, earning a sum of Rs.9000/- per month, died in an accident on 16.12.2008.

3. The legal representatives as wife, mother and daughter of the deceased have made a claim for compensation, for which, the Tribunal has quantified the compensation relied upon the following para meters.

4. The age of the deceased has taken 32, relying upon the date of birth mentioned in the claim petition as 10.05.1977 and the multiplier of 16 has been adopted.

5. Even though in the claim petition the claimants have stated that the monthly income of the deceased was Rs.9,000/- per month, the Tribunal has taken the same at Rs.4,500/-, as there is no document filed to that effect. Considering 30% increase in the future prospective increase in income, the monthly income has taken at Rs.5,850/-. Deducting 1/3rd towards the personal expenses and adopting the multiplier at 16, the loss of income has been assessed at $(3900 \times 12 \times 16 = \text{Rs.7,48,800/-}$. The loss of consortium to wife has been awarded at Rs.50,000/-, considering the age of the wife as 23. Considering the age of the third claimant who is the minor daughter of the deceased a sum of

Rs.20,000/- has been awarded towards the loss of love and affection and Rs.10,000/- was awarded to the second claimant.

6. Since the minor daughter third claimant was aged only 1 year at the time of accident of her father, the deceased, she would have lost the support, guidance and lap of the father, the amount awarded towards loss of love and affection should be more. Hence, the amount awarded towards loss of love and affection to the third claimant is enhanced from Rs.20,000/- to Rs.1,00,000/-. The compensation amount awarded by the claims Tribunal on other heads are reasonable, fair and in consonance with the standards followed. Hence, the amount awarded under other heads excepting the loss of love and affection to the third claimant are confirmed as such.

7. Thus, there will be an overall enhancement of Rs.80,000/- in the total compensation awarded by the claims Tribunal. Hence, the appeal filed by the Transport Corporation is dismissed. Consequently, connected miscellaneous petitions are closed. No costs. The claimants are entitled to share the compensation amount as per the ratio of apportionment made by the claims Tribunal, excepting the third claimant, who will be receiving the additional compensation of Rs.80,000/-, which is determined by this Court.

8. The The appellant / Transport corporation is directed to deposit Rs,80,000/- which is the enhanced compensation to third claimant with interest at 7.5% from the date of petition till the date of deposit along with the award amount, as determined by the claims Tribunal, with interest and costs within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit being made, the Tribunal is directed to transfer the award amount directly to the savings bank accounts of the major claimants through RTGS within a period of two weeks. The share of the minor third claimant shall be deposited in a fixed deposit in any one of the Nationalized bank till minor attains majority and the interest accrued thereon shall be withdrawn by the guardian of the minor claimant once in three months directly from the bank. The third claimant shall pay the necessary Court fees for the enhanced compensation amount before receiving the copy of this judgment.

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21.06.2017

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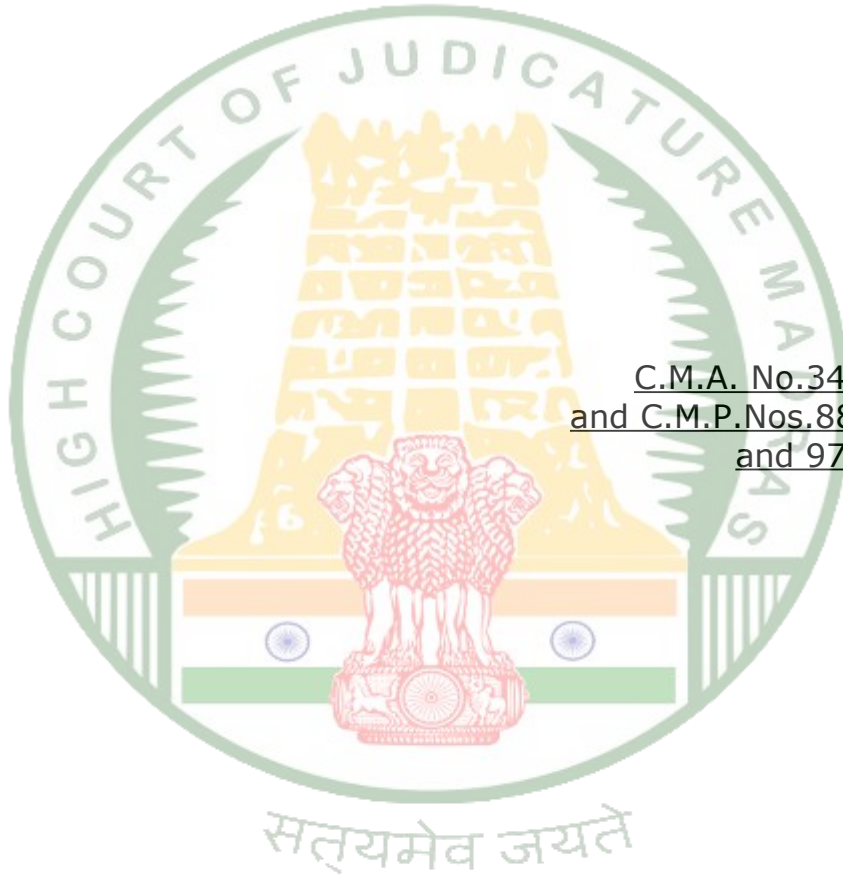
1. Motor Accident Claims Tribunal,
Chief Small Causes Court, Chennai.
2. The Section Officer, VR Section,
High Court, Madras.



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Dr.S.VIMALA,J.

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