IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED : 13.06.2017

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

C.M.A. No. 2296 of 2017
and
C.M.P.No. 8584 of 2017

The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
No.31/137, Salamedu,
Vazhuthareddy Post,
Villupuram District - 605 602. ..Appellant/Respondent

-/Vs/-

1. M.P. Elizabeth
2. D. Nirmala
3. Vijayanand ..Respondents/Petitioners

Prayer: Appeal filed under Section 173 of the Motor Vehicles Act, 1988 to set aside the Judgment and Decree dated 22.02.2016 made in M.A.C.T.O.P.No.5591 of 2012 on the file of the Motor Accidents Claims Tribunal, IV Small Causes Court, Chennai.

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

J U D G M E N T

The deceased, Vimalraj, aged 38 years, proprietor of M/s.Nimmi Television and earning a sum of Rs.20,000/-per month and doing part-time work as driver and earning a sum of Rs.10,000/-, met with an accident that took place on 11.10.2012 and succumbed to the injuries. The legal heirs of the deceased filed claim petition claiming a sum of Rs.30 lakhs as compensation.

2. The Tribunal, on consideration of oral and documentary evidence, quantified the compensation at Rs.12,09,400/-, the break up of which is as hereunder :-

Loss of dependency	-	Rs. 8,77,500/-
Love and affection	-	Rs. 2,00,000/-
Medical Bills	-	Rs. 1,06,903/-
Funeral Expenses	-	Rs. 25,000/-
Total	-	Rs.12,09,403/-
Rounded off	-	Rs.12,09,400/-

Challenging the award is excessive, the Transport Corporation has filed this appeal.

3. A perusal of the order passed by the Tribunal reveals that the Tribunal, based on the documentary evidence as also the death certificate, fixed the age of the deceased at 38 years. The Tribunal, in the absence of documentary evidence to substantiate the income earned by the deceased, based on the ratio laid down in the decision in Sarala Varma & Ors. -Vs- Delhi Transport Corporation and Anr. (2009 (2) TNMAC 1 (SC)), fixed the monthly income at Rs.6,500/= and adding 50% towards the future prospective increase in income, and after deducting 50% towards the personal expenses of the deceased, adopting the proper multiplier of 15, quantified the compensation towards loss of dependency at Rs.8,77,500/-. The quantification arrived at by the Tribunal, in the considered opinion of this Court, cannot be said to be excessive or disproportionate. The Tribunal, following the dicta laid down by the Courts in a catena of decisions, has quantified the compensation, which is just and reasonable and, accordingly, deserves to be sustained.

4. Insofar as the compensation awarded under the head love and affection s concerned, the said compensation cannot be said to be excessive or unreasonable. Accordingly, the same is also confirmed.

5. For the reasons aforesaid, this appeal, being devoid of merits, is liable to be dismissed and, accordingly, the same is dismissed. Consequently, connected miscellaneous petition also closed.

6. The appellant/Transport Company is directed to deposit the entire award amount along with interest and costs, as awarded by the Tribunal, less the amount, if any, already deposited, to the credit of the claim petition, 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 bank account of the respective claimants through RTGS within a period of two weeks thereafter as per the ratio of apportionment ordered by the Tribunal.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

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

2. The Section Officer, VR Section,
   High Court, Madras. (2 copies)

MR(CO)
sm:4.4.2018

C.M.A. No.2296 of 2017