

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2017

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

C.M.A.No.363 of 2017
and
C.M.P.No.2588 of 2017

The Managing Director,
Metropolitan Transport Corporation,
Pallavan Salai, No.2 Anna Salai,
Chennai. ... Appellant / Respondent

versus

1. S.Alphonse
2. A.Xavier Mary
3. Sheela Josephine Mary ... Respondents / Petitioners

Prayer : This Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree dated 21.08.2013 made in M.C.O.P.No.4917 of 2010 on the file of the Motor Accident Claims Tribunal (Special Sub Judge-II), Chennai.

For Appellant : Mr.S.Sivakumar

JUDGMENT

One A.Maria Anand Vincent, aged about 24 years, working as a House Keeping Supervisor at Apollo Hospital, No.21, Greams Road, Chennai, earning a sum of Rs.8,173/- met with an accident on 29.07.2009 and sustained injuries and succumbed to those injuries. Consequently, the father, mother and sister of the deceased filed a claim petition in M.C.O.P.No.4917 of 2010 before the Motor Accident Claims Tribunal (Special Sub Judge), Chennai, claiming compensation of Rs.14,25,000/-.

2. As against the claim made, the Tribunal has awarded a sum of Rs.11,00,000/- as compensation payable by the Transport Corporation, along with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit.

3. Challenging the quantum of compensation as excessive, the Transport Corporation has filed this appeal.

4. Now, the issue to be decided is whether the quantum of

compensation awarded by the Tribunal is excessive or not?.

5. It is necessary to look into break-up details of the award passed by the Tribunal.

5.1. The Tribunal, based upon the oral evidence of P.W.3-Senior Executive of the Apollo Hospital and Ex.P9-Salary Certificate, has fixed the monthly income of the deceased at Rs.8,173/-; as the age of the deceased was 24 years at the time of accident, the multiplier of 18 has been taken as per the decision of the Sarla Verma; deducting 50% towards personal expenses, the Tribunal has awarded a sum of Rs.8,82,684/- (Rs.8173 x 12 - 50% x 18) towards loss of dependency; awarding Rs.1,00,000/- each to the first and second claimants towards loss of love and affection, Rs.17,316/- towards funeral and ritual expenses, the total compensation has been quantified at Rs.11,00,000/-.

6. It is relevant to point out that when the claim petition has been filed by the father, mother and sister of the deceased, the Tribunal has awarded compensation for loss of love and affection only to the parents and not to the sister. Further, as per Sarla Verma's case, if the family consists of more than two members, 1/3rd amount has to be deducted towards personal expenses, but, in this case, the Tribunal has deducted 50% towards personal expenses. Hence, the amount cannot be said to be excessive.

7. Accordingly, the Civil Miscellaneous Appeal is dismissed, confirming the award dated 21.08.2013 passed in M.C.O.P.No.4917 of 2010 by the Motor Accident Claims Tribunal (Special Sub Judge), Chennai.

8. The Transport Corporation shall deposit the entire amount of compensation as awarded by the Tribunal, less the amount already deposited if any, along with interest at the rate of 7.5% p.a. 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. On such deposit being made, the claimants are permitted to withdraw their share of the amount as per the apportionment made by the Tribunal. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

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Sub Assistant Registrar

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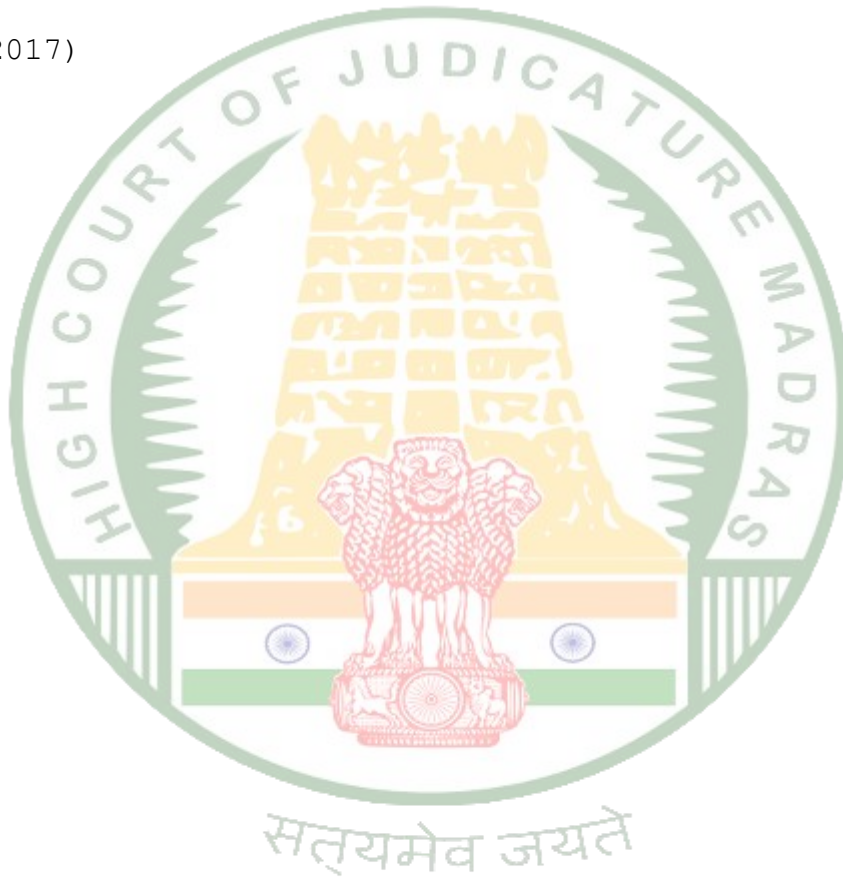
To

1.The Motor Accident Claims Tribunal
(Special Sub Judge-II),
Chennai.

2.The Section Officer,
VR Section, High Court, Madras.

C.M.A.No.363 of 2017

SKV(CO)
GN(07/11/2017)



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