IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2017

CORAM:

THE HONOURABLE Dr.JUSTICE S.VIMALA

C.M.A.No.443 of 2017
and
C.M.P.No.2967 of 2017

The Managing Director,
Tamil Nadu State Transport
Corporation Limited,
37, Mettupalayam Road,
Coimbatore. ... Appellant/2nd Respondent

Versus

1.Rani ... 1st Respondent/Petitioner
2.K.Karthikeyan ... 2nd Respondent/1st Respondent
3.Gajalakshmi ... 3rd Respondent/3rd Respondent

Civil Miscellaneous Appeal preferred under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree dated 10.04.2013 made in M.C.O.P.No.155 of 2012 on the file of the Motor Accident Claims Tribunal (Sub Court), Gobichettipalayam.

For Appellant : Mr.V.Udayakumar

For Respondents : Mr.Ma.P.Thangavel for R1 & R3

R2 : Exparte before the Lower Court

JUDGMENT

In respect of the death of one Anandhakumar in an accident that took place on 24.09.2011, wife, as the petitioner and mother of the deceased, as the 3rd respondent, are before the Tribunal, claiming compensation for a sum of Rs.20,00,000/-. At the time of accident, the age of the deceased is 26 years and he was earning a sum of Rs.1,00,000/- per year through agriculture and Rs.5,000/- per month through milk business. The Tribunal has awarded a sum of Rs.7,78,000/- as compensation. The break-up details of the compensation read as under:

Loss of earning	-	Rs.6,48,000/-
Loss of love and affection	-	Rs. 50,000/-
Funeral Expenses	-	Rs. 5,000/-
Loss of estate	-	Rs. 20,000/-
Loss of consortium	-	Rs. 50,000/-
Transport to Hospital	-	Rs. 5,000/-
Total	-	Rs.7,78,000/-

2. Aggrieved over the quantum of compensation, the Transport Corporation has preferred this appeal.

3. Learned counsel for the appellant would contend that the Tribunal has fixed a sum of Rs.4,500/- as notional income of the deceased, without any basis and therefore, it should be at a low level. He further contended that the multiplier adopted by the Tribunal is not reasonable. Hence, the award passed by the Tribunal requires interference.

4. Learned counsel for the claimant would submit that the Tribunal ought to have taken into account the future prospects in the income of the deceased and as that is omitted to be taken, the compensation awarded by the Tribunal is inadequate and this is a case for enhancement of compensation.

5. The contention that the multiplier adopted by the Tribunal is on the higher side by one point is correct.

5.1. Taking the monthly income at Rs.4,500/-, after deducting 1/3rd towards personal expenses, Rs.3,000/- has been taken as loss of income per month, which needs interference.

6. 50% increase, in future prospects is considered and the monthly income is fixed at Rs.6,750/- and adopting multiplier of 17, after deducting 1/3rd towards personal expenses, loss of earning is fixed at Rs.9,18,000/-, loss of consortium is enhanced to Rs.1,00,000/- from Rs.50,000/-. The award of Rs.50,000/- towards loss of love and affection and Rs.5,000/- towards funeral expenses and Rs.5,000/- towards transport to hospital are confirmed. The compensation is enhanced to Rs.10,78,000/- from Rs.7,78,000/-, which is 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.

7. With the above modification, this Civil Miscellaneous Appeal is disposed of.

8. The Transport Corporation shall deposit the enhanced amount of compensation 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, the claimant is permitted to withdraw the same. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Motor Accident Claims Tribunal
   (Sub Court),
   Gobichettipalayam.

2. The Section Officer,
   V.R.Section,
   High Court, Madras.

+1cc to Mr.V.Udayakumar, Advocate, S.R.No.13959
+1cc to Mr.Ma.P.Thangavel, Advocate, S.R.No.13484

C.M.A.No.443 of 2017
and
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KJ(CO)
CA(12/07/2017)