

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.01.2017

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

C.M.A.No.352 of 2014
and M.P.No.1 of 2014

Tamil Nadu State Transport Corporation,
by its Managing Director,
No.12, Ramakrishna Road,
Salem-7.

... Appellant/2nd Respondent

Vs.

1. Selvarani
2. Minor Kishore
3. Minor Preethi

Rep. by their next friend and
mother Selvarani

4. Perumayee ... Respondents/petitioner 1 to 4
5. Shairullah ... 1st Respondent/5th Respondent

Civil Miscellaneous Appeal preferred under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 29.10.2012 made in M.C.O.P.No.11 of 2010 on the file of the Motor Accident Claims Tribunal, Additional District Judge, Namakkal.

For Appellant : Mr.D.Venkatachalam
For Respondents : No Appearance

J U D G M E N T

Appeal filed by the Transport Corporation, challenging the quantum of compensation awarded in M.C.O.P.No.11 of 2010 dated 29.10.2012 on the file of the Motor Accident Claims Tribunal, Additional District Judge, Namakkal. As against the claim made for a sum of Rs.20,00,000/-, the Tribunal has awarded only a sum of Rs.7,00,000/-.

2. In order to quantify the compensation, the Tribunal has taken into account, the following parameters:

- i. Age of the deceased - 42 years
- ii. Age of the claimants - 36, 5, 10 and 62 years respectively.

- iii. Income of the deceased was stated to be Rs.20,000/- per month and the Tribunal has fixed income at Rs.5,000/- per month.
- iv. Multiplier of 15 adopted.
- v. One-third has been deducted towards personal expenses.
- vi. Compensation for loss of dependency arrived at Rs.6,00,000/-.

3. Learned counsel for the appellant would submit that when the age of the deceased was 42 years, the multiplier applicable is only 14 and the Tribunal had committed mistake in adopting multiplier of 15.

4. The fact remains that there are five claimants. Out of whom, two claimants are minors. When the deceased had a large family as dependants, the deceased is not expected to spend one-third towards his personal expenses. When the dependants are large in number, the Tribunal should have deducted one-fourth towards personal expenses and not one-third. If this is taken into account, the over all quantum of compensation though multiplier adopted is excess by one point.

5. Under such circumstances, the appeal has no merits and the same is dismissed. The Appellant/Transport Corporation is directed to deposit the entire award amount along with interest and costs as awarded by the Tribunal, less the amount already deposited, if any, 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 accounts of the major claimants through RTGS within a period of two weeks, as apportioned by the claims Tribunal. The amount payable to the minor claimants shall be kept in the bank in fixed deposit, till the minor claimants attain majority. The interest payable on such deposit shall be paid to the mother directly by the bank under intimation to the tribunal. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

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Sub Assistant Registrar

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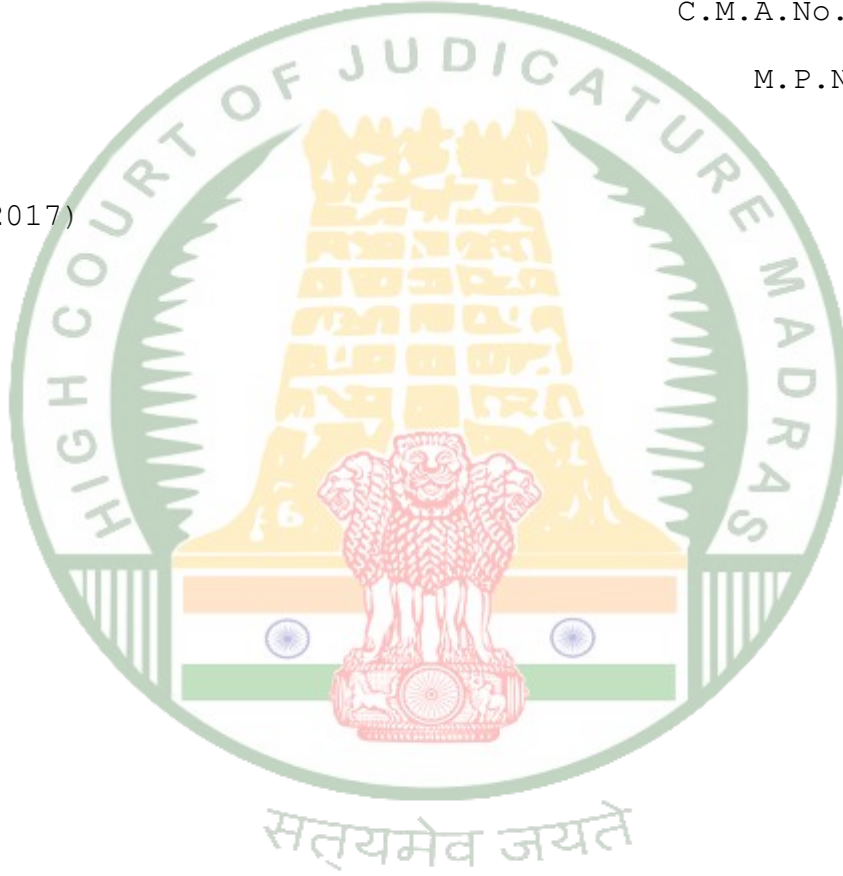
1.The Motor Accident Claims Tribunal
[Additional District Judge],
Namakkal.

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

+2 cc to Mr.D.Venkatachalam Advocate, S.R.No. 1186

C.M.A.No.352 of 2014
and
M.P.No.1 of 2014

RK(CO)
TR(11/12/2017)



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