

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2017

CORAM:

THE HON'BLE Dr. JUSTICE S.VIMALA

C.M.A.No.61 of 2017 & C.M.P.No.566 of 2017

The Managing Director,
Tamil Nadu State Transport Corporation,
37 Meetupalayam Road,
Coimbatore

... Appellant/2nd Respondent

...vs...

1. M.Rejinabanu
2. A.Mohamed Ali
3. S.P.Chakravarthy

... Respondents/Petitioners/1st
Respondent

Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree, dated 29.11.2013, made in M.C.O.P.No.67 of 2012 on the file of the Motor Accident Claims Tribunal, Sub Court, Pollachi.

For Appellant : Mr. V.Udayakumar
For Respondents : Mr. Ma.Pa.Thangavel.

JUDGMENT

This Civil Miscellaneous Appeal has been filed by the Transport Corporation, challenging the quantum of compensation.

2. In respect of the death of one year old child, Abitha Banu, her mother and father have filed a petition for compensation. As against the claim made for a sum of Rs.20 lakhs, the Tribunal has awarded a sum of Rs.5,80,000/-. Challenging the quantum as excessive, the Transport Corporation has filed the Appeal.

2. The Tribunal, based upon a decision of the High Court of Himachal Pradesh, reported in 2010 ACJ (H.P.) 1398 (Oriental Insurance Company Limited v. Jeyadevi) has taken the monthly income at Rs.3,000/- and adopted the multiplier of '15' and calculated the loss of dependency at Rs.5,40,000/-; Loss of love and affection has been estimated at Rs.20,000/-; medical expenses at Rs.10,000/-; Transport Expenses at Rs.10,000/- and

thus, the total compensation was estimated at Rs.5,80,000/-.

3. The compensation awarded under all the heads by the Tribunal are reasonable and based on settled principles and therefore, there is no ground to interfere with the judgment passed by the Tribunal below. The compensation awarded by the Tribunal is just and reasonable.

4. In the result, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the connected CMP is closed.

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

1. The Subordinate Judge
Motor Accident Claims Tribunal, Pollachi.
2. The Section Officer, V.R. Section, Madras High Court,
Chennai 104

+1 CC to Mr. V. Udayakumar, Advocate sr 7042
+1 CC to Mr. Ma. P. Thangavel, Advocate sr 6758

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