

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2017

C O R A M

THE HONOURABLE MR.JUSTICE S.MANIKUMAR

AND

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

Civil Miscellaneous Appeal No.728 of 2017

Tamil Nadu State Transport Corporation

(Villupuram Division III) Ltd.

Rep by its Managing Director

Kancheepuram

... Appellant/Respondent

Vs

1.R.Valli

2.R.Sathikumar

3.R.Sandhya

4.Pattammal

... Respondents/Claimants

Prayer: Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 20.12.2013, passed in M.C.O.P.No.1226 of 2011, by the Motor Accident Claims Tribunal (Chief Judge, Court of Small Causes), Chennai.

For Appellant : Mr.P.Paramasivados

J U D G M E N T

(Made by S.Manikumar, J.)

Application of split multiplier and quantum of compensation under the head loss of contribution to the family, are challenged in this appeal, filed against the award of Rs.13,82,628/- passed in MCOP No.1226 of 2011 dated 20.12.2013, by the Motor Accident Claims Tribunal (Chief Judge, Court of Small Causes), Chennai, to the legal representatives of the deceased Rajasekaran. Tribunal has quantified the said sum, as hereunder:

Loss of dependency for 3 years	: Rs. 5,60,412/-
Loss of dependency for 8 years	: Rs. 7,47,216/-
Loss of consortium	: Rs. 25,000/-
Loss of love and affection	
to respondents 2 to 4	: Rs. 25,000/-
Loss of estate	: Rs. 10,000/-
Funeral Expenses	: Rs. 10,000/-
Transport expenses	: Rs. 5,000/-

: Rs. 13,82,628/-

2. As no adverse order is passed in this appeal, we deem it fit to waive fresh notice to the respondents.

3. At the time of accident, the deceased was aged 54 years worked in a private concern and earned Rs.26,866.50 + incentives and 20% bonus. Tribunal applied multiplier of 3 for computing loss of contribution to the family for the first three years and for the remaining years, the Tribunal adopted multiplier of 8 and thus arrived at a compensation of Rs.5,60,412/- and Rs.7,47,216/-. As per the judgment of the Hon'ble Supreme Court in Sarla Verma and others vs. Delhi Transport Corporation and another reported in 2009 (2) TNMAC 1 (SC), the multiplier to be applied is 11. The above said method is under challenge. Had the Tribunal applied multiplier 11 for computation of compensation as per Sarla Verma's case, quantum of compensation would be much more.

4. In addition to the above, the Tribunal has awarded less compensation under the heads loss of consortium, love and affection, funeral expenses and loss of estate. Again, had the Tribunal followed the decisions of the Sarla Verma and others vs. Delhi Transport Corporation and another reported in 2009 (2) TNMAC 1 (SC), Reshma Kumari & Ors. V. Madan Mohan & Anr. reported in (2013) 9 SCC 65, Reshma Kumari, Rajesh & Others Vs. Rajbir Singh & Others reported in (2013) 9 SCC 54 = 2013 (2) TN MAC 55 (SC), compensation to be awarded under these heads would be much more. In view of the above, we are not inclined to interfere with the same.

Accordingly, civil miscellaneous appeal is dismissed. The appellant/transport corporation is directed to deposit the award amount, with proportionate interest and costs, to the credit of MCOP No.1226 of 2011 on the file of Motor Accident Claims Tribunal (Chief Judge, Court of Small Causes), Chennai, within a period of six weeks from the date of receipt of a copy of this judgment. The Tribunal shall affix a copy of this judgment in the notice board mentioning MCOP number and the disposal of the appeal. Tribunal is directed to disburse the compensation amount, only, after due verification and identity of the claimants/respondents. There should be strict compliance.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

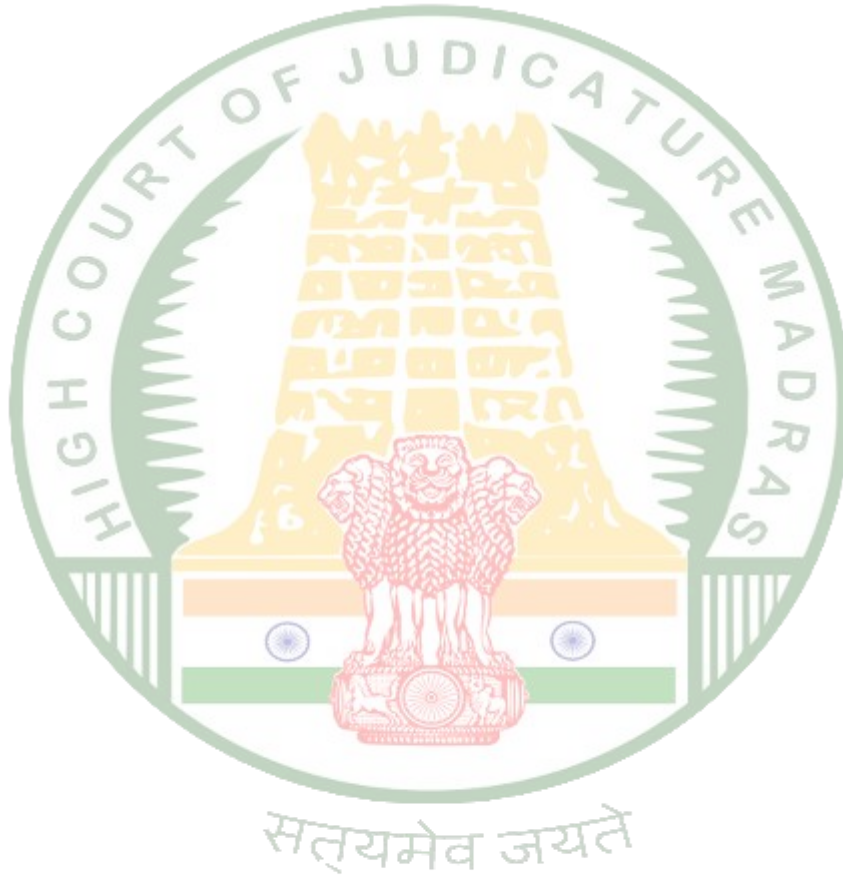
ASR

To

The Chief Judge,
Motor Accident Claims Tribunal
Court of Small Causes, Chennai.

C.M.A.No.728 of 2017

KJI (CO)
CA(04/04/2017)



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