

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14/3/2017

C O R A M

The Honourable Mr. Justice S. Manikumar
and

The Honourable Mr. Justice M. Govindaraj

Civil Miscellaneous Appeal No. 824 of 2017

The Managing Director
Tamil Nadu State Transport Corporation
(Coimbatore) Div-I Limited,
37, Mettupalayam Road,
Coimbatore. ...Appellant / Respondent

Vs

1. Manjula Devi,
W/o. Suresh Kumar,
2. Minor Dhanyashree
D/o. Suresh Kumar
3. Rayappan
S/o. Periya Velappa Gounder
4. Uthami
W/o. Rayappan ...Respondents/Petitioners
(Minor represented by Mother/Guardian
first respondent)

Prayer: Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the decree and judgment, dated 23/02/2016, made in M.C.O.P.No.624 of 2014, on the file of the Motor Accident Claims Tribunal, I Additional District Judge, Tirupur.

For Appellant : Mr. J. Lokesh

For Respondents: Mr. MA. P. Thangavel

J U D G M E N T

(Judgment of the Court was delivered by S. Manikumar, J)

Being aggrieved by the quantum of compensation of Rs. 17,97,000/-, with interest, at the rate of 7.5% p.a., from the date of claim, till realization and costs, awarded to the

legal representatives of the deceased, in M.C.O.P.No.624 of 2014, dated 23/2/2016, on the file of the Motor Accident Claims Tribunal, I Additional Judge, Tirupur, the Managing Director, Tamil Nadu State Transport Corporation Limited, (Coimbatore) Division - I, Coimbatore, has filed the instant appeal, questioning the determination of monthly income of the deceased, stated to be a Mechanic, as Rs.7,000/- p.m.

2. Except the above, Mr.J.Lokesh learned counsel for the appellant submitted that there is no other challenge.

3. Submission of the learned counsel for the appellant is placed on record.

4. According to the claimants, wife, minor daughter, aged about 8 months and parents, aged about 60 and 52 years respectively, at the time of death, the deceased was a mechanic, earned Rs.20,000/- p.m. However, documentary evidence has been filed. Accident has occurred, on 9/6/2011. Considering the prevailing circumstances, the Tribunal has determined the monthly income as Rs.7,000/- p.m. Added 50% of the income under the head future prospects. As the number of dependants are 4, the Tribunal deducted 1/3 towards the personal and living expenses of the deceased and computed the annual loss of contribution to the family as Rs.94,500/-. Tribunal applied 16 multiplier and awarded compensation of Rs.15,12,000/- under the head loss of contribution to the family. That apart, the Tribunal has awarded Rs.1,00,000/- to the wife, under the head loss of consortium. Rs.50,000/- has been awarded for loss of love and affection to the parents. Under the head loss of care and guidance for minor, a sum of Rs.1,00,000/- has been granted. A sum of Rs.25,000/- and Rs.20,000/- has been awarded under the head funeral expenses and transportation, respectively. Altogether, Tribunal had awarded Rs.17,97,000/- as compensation, with interest at the rate of 7.5% p.a., from the date of claim till realisation. To provide, food, shelter, clothing and to meet out the expenses, towards electricity, water and other incidental expenses, one may require reasonable income. Dependents are 4 in number. Sum of Rs.7,000/- fixed as monthly income, by the Tribunal, cannot at any stretch of imagination be said to be grossly excessive, warranting interference. Compensation awarded under other heads is reasonable.

5. In the result, C.M.A.No.824 of 2017 is dismissed and the award passed by the Motor Accident Claims Tribunal/I Additional District Court, Tirupur, in M.C.O.P.No.624 of 2014, is confirmed. No costs. Consequently, the connected Miscellaneous Petition No.4200 of 2017 is closed. The Managing Director, Tamil Nadu State Transport Corporation, Coimbatore, Division - I Limited, Coimbatore, is directed to deposit the entire award amount, with proportionate interest and costs, at the rate of

7.5% p.a., less the statutory deposit, to the credit of M.C.O.P.No.624 of 2014, on the file of the Motor Accident Claims Tribunal, I Additional District Judge, Tirupur, within a period of four weeks, from the date of receipt of a copy of this order. Wife and parents of the deceased, being majors are permitted to withdraw the share apportioned to them, with proportionate interest, by making necessary applications before the Tribunal. Share apportioned to the minor/second respondent, shall be deposited in any one of the Nationalised Banks, proximate to the residence of the first respondent/mother. She is permitted to withdraw the accrued interest, once in three months. Share of the minor shall be in the Bank deposit, till she attains majority.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

1.The Motor accident Claims Tribunal,
1st Additional District Judge Tirupur.

+1 cc to Mr.Ma.p.Thangavel,advocate,sr.16144.

scp(co)
krd 11/4

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