

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.03.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

C.M.A.No.936 of 2017

and

C.M.P.No.4599 of 2017

The Managing Director
Tamil Nadu State Transport Corporation Ltd.,
Villupuram, Appellant/R1

vs

1. J. Vennila
2. Minor Vovek Raj
3. Minor Aakash
4. Murugesan (deceased)
5. Pachaiaammal (deceased)
(Minor petitioners 2 and 3 are rep
by mother first petitioner J.Vennila)
6. Ramesh Respondents 1 to 5/Claimants
R6/R2

Appeal filed under Section 173 of Motor Vehicles Act, 1988
Claims Tribunal against the judgment and decree dated 18.12.2015
made in M.C.O.P. No. 19 of 2015 on the file of the Motor
Accident Claims Tribunal, The Special District Judge, Villupuram.

For Appellant : Mr. K.J.Sivakumar

J U D G M E N T

This Civil Miscellaneous appeal is preferred by the
Transport-Corporation challenging the award passed in
M.C.O.P.No.19 of 2015 by the Motor Accident Claims Tribunal (The
Special District Judge), Villupuram.

2. In a road accident that took place on 12.01.2006, one
Sekar @ Jegadeesan died and his wife and children have filed the
claim petition before the Tribunal, seeking total compensation
of Rs.15,00,000/-. As against the amount claimed, the Tribunal
has passed an award for Rs.7,47,500/- with interest @ 7.5% per
annum.

3. The only question that has to be considered is with respect to the quantum of compensation awarded by the Tribunal.

4. On a consideration of the entire oral and documentary evidence, the Tribunal has held that the deceased was a Labour Contractor aged 39 years at that relevant time and was earning Rs.4,500/- per month. Considering the age of the deceased, the Tribunal applied multiplier 15. The Tribunal fixed the monthly income of the deceased as Rs.4,500/-. Therefore, this Court is not inclined to change the calculation arrived at by the Tribunal in fixing the monthly income of the deceased at Rs.4,500/-. Taking the said amount, the loss of earning would be $\text{Rs.4,500} \times 12 \times 15 = \text{Rs.8,10,000/-}$, out of which, 1/4 is deducted for his personal expenses. Hence, the amount payable would be Rs.6,07,500/-. So far as the other heads are concerned, Rs.20,000/- for funeral expenses, Rs.50,000/- for loss of consortium, Rs.30,000/- for love and affection and Rs.40,000/- for loss of care and protection were awarded. In total, a sum of Rs.7,47,500/- was awarded by the Tribunal as compensation with appropriate apportionment. The Transport Corporation has preferred this appeal challenging the award, however, restricting the value of Rs.1,00,000/-.

5. There is no specific ground taken as to under which head the award is granted by the Tribunal in excess of what has been claimed by the claimant. Hence, in the absence of any substantial proof, there is no reason to disturb the award granted by the Tribunal. Accordingly, the award passed by the Tribunal is correct and there is no reason to interfere with the same and the same is hereby confirmed.

6. In the result, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

srn

To

1. The Motor Accident Claims Tribunal,
The Special District Judge, Villupuram.

+lcc to Mr.K.J. Sivakumar, Advocate, S.R.No.18563

cnr (CO)
md(21/04/2017)

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