

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 05.01.2017
CORAM
THE HON'BLE Dr.JUSTICE S.VIMALA

C.M.A.No.749 of 2014
and M.P.No.1 of 2014

The Managing Director,
Tamilnadu State Transport Corporation,
Villupuram.

... Appellant

Vs.

1. R.Prabha
2. Minor Rakesh
3. Minor Vignesh
R2 & R3 rep. by their next friend
mother Prabha

... Respondents

Civil Miscellaneous Appeal preferred under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 25.02.2013 made in M.C.O.P.No.602 of 2012 on the file of the Motor Accident Claims Tribunal, [Principal District Judge], Krishnagiri.

For Appellant : Mr.K.J.Sivakumar
For Respondents : Mr.V.Vijayakumar

J U D G M E N T

Appeal filed by the Transport Corporation, challenging the quantum of compensation awarded by the Motor Accident Claims Tribunal, [Principal District Judge], Krishnagiri in M.C.O.P.No.602 of 2012 dated 25.02.2013.

2. The claimants are wife of the deceased, aged 30 years and minor sons aged 14 and 7 years respectively, filed M.C.O.P.No.602 of 2012 claiming a sum of Rs.10,00,000/- as compensation.

3. The Tribunal has awarded a sum of Rs.6,06,000/- after considering the aspects, such as, the age of the deceased as 36 [relying upon Postmortem Certificate-Ex.P2], monthly income taken as Rs.4,500/-, after deduction of one-third towards personal expenses. Taking the age of the deceased as 36, multiplier has been taken as 16. Loss of dependency estimated at Rs.36,000 x 16 = 5,76,000/-. Loss of love and affection to each of the claimants at Rs.10,000/- [3 x 10000 = 30000],

totalling Rs.6,06,000/-.

4. The grievance of the learned counsel for the appellant is that when the age of the deceased was 36 years, the appropriate multiplier as per the decision in Sarla Verma's case reported in [2006]9 SCC 121 is 15 and not 16.

5. Even though, this contention is correct legally, the Tribunal did not taken into account, the future prospects in the earnings of the deceased and therefore, the multiplier adopted by the Tribunal did not do any injustice to the appellant. The loss of love and affection awarded to the minor claimants are meager. It is not known why the appeal was preferred by the Transport Corporation challenging quantum. Therefore, the appeal stands dismissed. No costs.

6. The Appellant/Transport Corporation is directed to deposit the entire award amount along with interest and costs as awarded by the claims 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 account of the major claimant 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 attains majority. The interest payable on such deposit shall be paid to the mother directly by the bank under intimation to the tribunal. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS V)

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सत्यमेव जयते

Sub Assistant Registrar

gya

To

1.The Motor Accident Claims Tribunal [Principal District Judge],
Krishnagiri.

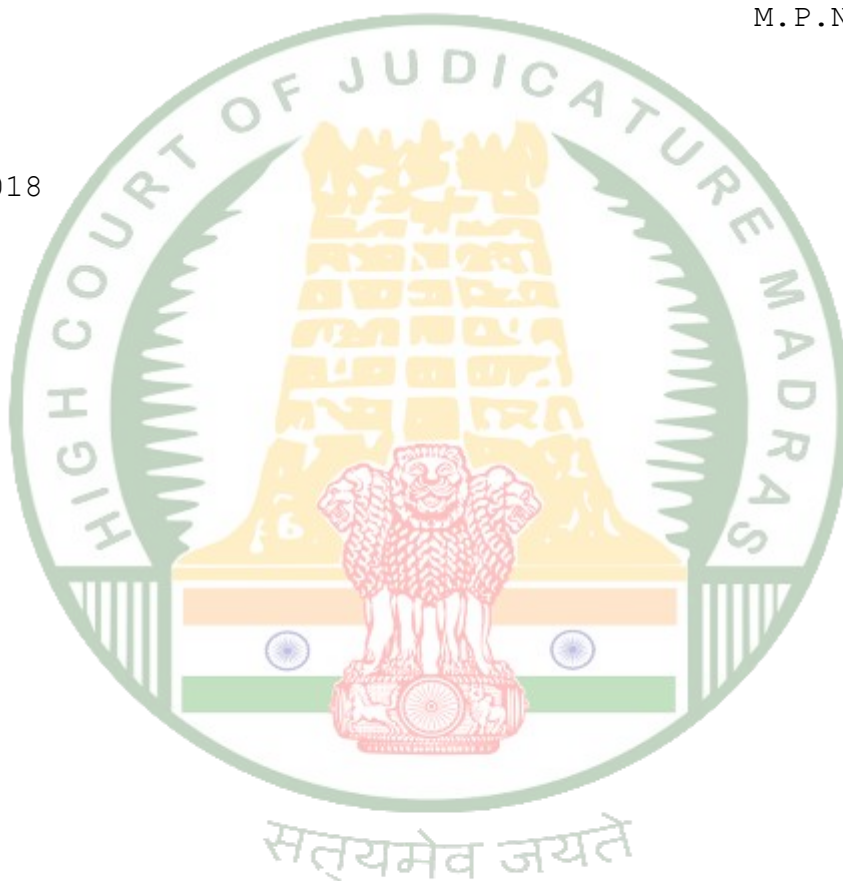
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2. The Section Officer,
V.R.Section,
High Court, Madras.

+1 cc to M/s.K.J.Sivakumar Advocate sr 1112
+1 cc to M/s.V.Vijayakumar Advocate sr 1090

C.M.A.No.749 of 2014
and
M.P.No.1 of 2014

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