

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.01.2017

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

C.M.A.No.837 of 2014
and M.P.No.1 of 2014

The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam Division - II) Limited,
Periyar Milaguparai,
Trichy - 1 ... Appellant/2nd Respondent

Vs.

1. R.Chitra
2. Minor R.Anbarasi
3. Minor R.Thiruvasaham
Minor Petitioners 2 & 3 are
rep. by their next guardian and
mother Chitra
4. Pappammal
5. D.Karthikeyan ... Respondents/Petitioners &
1st Respondent

Civil Miscellaneous Appeal preferred under Section 173 of
the Motor Vehicles Act, 1988 against the judgment and decree
dated 18.09.2012 made in M.C.O.P.No.125 of 2010 on the file of
the Motor Accident Claims Tribunal, [Principal District Judge],
Namakkal.

For Appellant : Mr.K.J.Sivakumar

For Respondents : Mr.Ma.Pa.Thangavel
(for R1 to R4)

No Appearance (for R5)

J U D G M E N T

Appeal filed by the Transport Corporation challenging the
quantum of compensation awarded in M.C.O.P.No.125 of 2010 dated
18.09.2012 on the file of the Motor Accident Claims Tribunal,
[Principal District Judge], Namakkal.

2. The claimants filed the petition for compensation in respect of death of Ramanathan, aged 40 years, a salesman employed in the Tamil Nadu Government, earning a sum of Rs.6,063/- as monthly salary, died in an accident that took place on 01.09.2009.

3. While quantifying compensation, the Tribunal has considered the following parameters, such as, Ex.P3-Postmortem Certificate and the age of the deceased has been taken as 40. The deceased has been working as salesman in Valayapatti Ration Shop and as per Ex.P5-Salary Certificate, the salary is taken as Rs.6,063/-, rounded to Rs.6,000/- per month and multiplier of 16 has been adopted, after deducting one-third towards personal expenses, the dependency has been assessed at Rs.7,68,000/- [$6,000 - 1/3 = 4000 \times 12 \times 16$]. Future earnings has been taken at 30% and for future prospects, compensation has been awarded at Rs.2,30,400/-. Therefore, the total amount of compensation awarded is Rs.9,98,400/-. Loss of love and affection for all the claimants has been together has been together estimated at Rs.40,000/-, funeral expenses awarded at Rs.10,000/-, loss of consortium towards the 1st claimant is fixed at Rs.10,000/- and therefore, total compensation awarded is Rs.10,58,400/- rounded to Rs.10,60,000/-.

4. The main contention of the learned counsel for the appellant is that, when the age of the deceased is 40 years, the multiplier to be adopted is 14, according to the reported decision in 2009[6] SCC 121 [Sarla Verma's case] and the Tribunal is not right in adopting multiplier of 16.

5. The first claimant is the wife of the deceased, second and third claimants are minor children of the deceased and the fourth claimant is the mother of the deceased. The compensation awarded towards loss of love and affection is Rs.40,000/-. Loss of consortium awarded to the first claimant at Rs.10,000/-, who is aged 34 years, is a meager amount. If loss of love and affection is compensated on proper scales, as applicable to the claimants, the over all quantum would be the same, even if the multiplier of 14 is adopted. Loss of love and affection normally to be awarded to the minor claimant is Rs.1,00,000/-. Therefore, there is no change in the quantum of compensation, if adjustments are made as indicated above. Hence, the appeal is dismissed.

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 accounts of the major claimants 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 attain majority. The interest payable on such deposit shall be payable to the mother directly by the bank under intimation to the tribunal. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

gya

To
1.The Motor Accident Claims Tribunal,
Principal District Judge,
Namakkal.

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

+1cc to Mr.K.J.SIVAKUMAR Advocate, S.R.No. 1113/17
+1cc to Mr.MA.P.THANGAVEL Advocate, S.R.No. 1534/17

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and
M.P.No.1 of 2014

SR(CO)
TR(07/12/2017)

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