

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2017

CORAM : THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

CMA.No.3647 of 2013
and MP.No.1 of 2013

The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited,
No.12, Ramakrishna Road, Salem
Salem Regional Office, Dharmapuri. ... Appellant/Respondent

Vs.

1.Veerappa
2.Kaveramma ... Respondents/Petitioners

Prayer : Civil Miscellaneous Appeal preferred under 173 of the Motor Vehicles Act, against the judgment and decree dated 03.10.2012 made in MCOP.No.139 of 2011 on the file of the Motor Accident Claims Tribunal, Subordinate Court, Hosur.

For Appellant : Mr.D.Venkatachalam

For Respondents : -

JUDGMENT

The State Transport Corporation which was held liable to pay compensation payable to the parents of a victim of a fatal accident has approached this Court, challenging the quantum of compensation directed to be paid.

2. On 22.02.2011, one certain Kumar while riding his motorcycle was fatally knocked down by a bus belonging to the appellant herein, due to rash and negligent driving of the bus. Seeking a compensation of Rs.10,00,000/- his parents have moved the Court. The Tribunal, however passed an award for Rs.6,43,050/- payable with interest at 7.5% per annum.

3. The learned counsel for the appellant argued that the victim was a coolie by avocation and the Tribunal while reckoning his monthly income at Rs.4,500/- has overlooked the fact that he was only a bachelor of 19 years at that relevant time, and has deducted only 1/3rd of his income towards personal expenses, when it ought to have deducted 50%.

4. On going through the papers, this Court finds that notice to the respondents was not served even after four years of filing the appeal. Indeed, no process was taken to serve notice on the respondents. Therefore, this Court decides to consider the merit of the appeal filed by the appellant on its own strength. At this juncture, the learned counsel for the appellant indicated that as per his instructions, the claimants have not preferred any appeal seeking enhancement of compensation awarded.

5. The solitary point in objection is that the Tribunal has deducted 1/3rd, when it ought to have deducted one half from the monthly income of the victim of the accident towards his personal expenses. On going through the award, this Court noticed that the Tribunal inspite of applying the multiplier of 18, has applied only 16. Strictly speaking if the claimants had preferred the appeal for enhancement, they would atleast be entitled to a compensation regarding future prospects in the income of the deceased. Since that too has not been granted, a mere objection as to the amount to be deducted towards personal expenses of the victim does not merit serious consideration of this Court.

6. In the result, I find no merit in the appeal and hence it is dismissed, but without costs. The appellant is directed to deposit the award amount along with the accrued interest as determined by the Tribunal, less amount any already deposited, within a period of six weeks from the date of receipt of a copy of this order, whereupon the claimants are permitted to withdraw the same forthwith. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To:

1.The Sub Judge,
Motor Accident Claims Tribunal
Hosur.

2.The Section Officer
VR Section
High Court Madras,
Chennai.

+1cc to M/s.D.Venkatachalam, Advocate sr.55066

CMA.No.3647 of 2013

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