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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.02.2017

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THE HONOURABLE Dr.JUSTICE S.VIMALA

C.M.A.No.1061 of 2017
and C.M.P.No.5187 of 2017

The Managing Director,
Tamil Nadu State Express
Transport Corporation Ltd.,
[SETC], Anna Salai,
Chennai-2. .. Appellant/1st Respondent

Vs

1.Thirumathi Susila ..1st Respondent/Petitioner

2.S.Kothandam ..3r Respondent/2nd Respondent

3.Suryaprakasam

4.The Manager,
United India Insurance Co. Ltd.,
38, Anna Salai, Chennai-2.
(The 3rd Respondent remained exparte in
the lower court) ..4th Respondent/3rd Respondent

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree dated 22.11.2004 made in M.C.O.P.No.123 of 1999 on the file of the Motor Accidents Claims Tribunal, Subordinate Judge, Kancheepuram.

For Appellant : Mr.M.Krishnamoorthy

J U D G M E N T

This Civil Miscellaneous Appeal has been preferred against the judgment and decree passed in M.C.O.P.No.123 of 1999 claiming compensation in a sum of Rs.4,00,000/- by the legal representatives of the deceased Kitta @ Krishnamoorthy, aged 20 years, a silk weaver and thereby, earning a sum of Rs.3,000/- per month, met with an accident that took place on 10.12.1998 and succumbed to the injuries sustained in the accident.

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2.The Tribunal, on consideration of oral and documentary evidence, awarded compensation in a sum of Rs.3,55,068/-, the break-up details of which are as under:

Loss of dependency [1667x12x17]	-	Rs.3,40,068/-
Transport expenses	-	Rs. 5,000/-
Funeral expenses	-	Rs. 10,000/-
Total	-	Rs.3,55,068/-

3.Challenging the award granted by the Tribunal as excessive, the Transport Corporation has filed this appeal.

4.Though very many grounds have been raised in this appeal, however, at the time of argument, the learned counsel for the appellant restricted his argument to the quantum of compensation alone and therefore, this Court is not venturing into the other grounds raised by the appellant.

5.This Court gave its anxious consideration to the contentions advanced by the learned counsel for the appellant and perused the materials available on record as also the order passed by the Tribunal.

6.A perusal of the award passed by the Tribunal reveals that the Tribunal has rightly quantified the compensation under the head loss of dependency by adopting correct multiplier according to the age of the deceased. It cannot be said to be excessive, as the Tribunal has adopted the multiplier method correctly to quantify the compensation. Insofar as the compensation awarded under the other heads, viz., transport expenses and funeral expenses are concerned, the compensation awarded is very low. However, at this point of time, this Court is not inclined to enhance the compensation awarded under the non-pecuniary heads. Accordingly, the compensation awarded under the above heads are confirmed.

7.For the reasons aforesaid, there being no merits, this appeal is liable to be dismissed. Accordingly, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

8.The appellant/Transport Corporation is directed to deposit the entire amount of compensation as awarded by the Tribunal, less the amount, if any, already deposited, along with interest at 9% per annum from the date of petition till the date of deposit, to the credit of the claim petition, within a period of four weeks from the date of receipt of a copy of this judgment. The claimants are entitled to compensation as per the ratio of the apportionment made by the Tribunal. On such deposit being made, the Tribunal is directed to transfer the respective share

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amounts of the claimants directly to their bank account through RTGS within a period of two weeks thereafter.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gya/GLN

To
1.Motor Accidents Claims Tribunal,
Subordinate Judge,
Kancheepuram.

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

C.M.A.No.1061 of 2017
and
C.M.P.No.5187 of 2017

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