IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 7/6/2017

C O R A M

THE HONOURABLE Mr.JUSTICE S.MANIKUMAR

A N D

THE HONOURABLE Mr.JUSTICE M.GOVINDARAJ

Civil Miscellaneous Appeal No.1835 of 2017

The General Manager,
T.N.S.T.C, Rangapuram,
Vellore. ...Appellant/Respondent

Vs.

1. Sasikala
2. Praveen
3. Keerthi Kumar ...Respondents/Petitioners

Petition filed under Section 173 of the Motor Vehicles Act, 1988 to set aside the Judgment and Decree passed by the Motor Accident Claims Tribunal, (I Additional District and Sessions Judge), Vellore made in MCOP No.930 of 2014 dated 28.04.2016 as illegal.

For Appellant : Mr.P.Paramasiva Doss

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J U D G M E N T

(Judgment of the Court was made by S.MANIKUMAR.J,)

Though award is challenged on various grounds, Mr.P.Paramasivadoss, learned counsel for the appellant Corporation, restricted his submission to the only ground that the Tribunal erred in fixing the monthly income of Rs.15,320/- for the purpose of computing the loss of contribution to the family.

2. In view of the restricted submission, there is no need to delve into the aspect of negligence and liability.

3. Perusal of the award shows that the mother and brothers of the deceased Karthick Kumar, have contended that at the time of accident, he was employed as a Clerk in Tamil Nadu Civil Supplies Corporation, Arakonnam branch. To prove avocation and income, Ex.P.7 salary certificate has been marked. P.W2 Superintendent in Tamil Nadu Civil Supplies Corporation, Vellore has adduced supporting evidence to the effect that, at the time of accident, deceased was a clerk in Arakonam branch and earned a gross salary of Rs.15,320/- and after statutory deduction, the net salary was Rs.12,797/-.

4. Apart from oral and documentary evidence, stated supra, Tribunal has marked Ex.X2 salary details of the deceased Karthick Kumar and after analysing the above, determined the net income as Rs.15,320/-. As the deceased was aged 38 years, the Tribunal added 50% of salary under the head future prospects and accordingly, determined the income as Rs.22,980/- and rounded off the same to Rs.23,000/-. Following the judgment in Supreme Court ***Sarla Verma Vs. Delhi Transport Corporation, {2009 (2) SCC 1546}***, the Tribunal deducted 50% towards personal and living expenses of the deceased and thereafter, applied 15 multiplier. Computed the loss of contribution to the family, as Rs.20,70,000/-. That apart, the Tribunal has awarded Rs.1,00,000/- under the head loss of Love and Affection, Rs.25,000/- for funeral expenses, Rs.5,000/- for Transportation and Rs.5,000/- towards damages to clothes and articles. There is no award under the head loss of estate. Altogether, the Tribunal has awarded compensation of Rs.22,05,000/-, with interest, at the rate of 7.5% p.a., from the date of claim till deposit and costs.

5. We have gone through the award. Determination of monthly income has been done, on appreciation of oral and documentary evidence, stated supra, the same cannot be said to be erroneous. In the light of the above

discussion, we are not inclined to interfere with the quantum of compensation.

6. Accordingly, this **Civil Miscellaneous Appeal is dismissed.** No costs. The Tami Nadu State Transport Corporation, Rangapuram, Vellore, is directed to deposit the entire award amount, with proportionate interest and costs, at the rate of 7.5% p.a., to the credit of M.C.O.P.No.930 of 2014, on the file of the Motor Accident Claims Tribunal, I Additional District and Sessions Judge, Vellore, within a period of six weeks, from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed.

(S.M.K.,J) (M.G.R.,J)
7th June 2017

Index: yes/No

website: Yes/No

mvs.

To

The I Additional District and Sessions Judge,
Vellore.

S.MANIKUMAR,J

a n d

M. GOVINDARAJ,J

mvs.

C.M.A.No.1835 of 2017

7/6/2017