

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2017

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA

C.M.A. No.1918 of 2017
C.M.A. SR. No.55567 of 2012
and
C.M.P. No.10309 of 2017

Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Coimbatore Division – II Ltd.,
Chennimalai Road, Erode. ... Appellant

Versus

1. Sengodagounder
2. Saroja
3. Sakthivel
4. N.Sakthivel ... Respondents

PRAYER : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree passed on 30.11.2011 in MCOP No.455 of 2010 on the file of the Subordinate Judge, Bhavani.

For Appellant : Ms.R.T.Sundari

For Respondents : Mr.R.Neelakandan for R1-R3
R4- Given up

JUDGMENT

The transport corporation has filed this appeal. As against the claim made for a sum of Rs.10,00,000/-, the Tribunal has awarded a sum of Rs.2,98,000/- as compensation. Challenging the award as excessive, the transport corporation has filed this appeal.

2. The main contention of the learned counsel of the appellant is that the claim petition ought to have been dismissed and that in any event the income of the deceased ought not to have been fixed at Rs.4,500/-, especially when he is aged 58 years; The compensation on the other heads is also assailed as excessive and disproportionate.

3. The claim petition has been filed by the husband and the children of the deceased.

4. The deceased Sellammal, aged 58 years, an agricultural coolie, earning a sum of Rs.6,000/- p.m, died in an accident that took place on 21.03.2010.

5. The Tribunal has quantified the compensation by taking into account the following parameters :

5.1 The age of the deceased has been taken as 58 years by deriving support from Ex.P6,postmortem certificate. Finding that there is no documentary evidence to show the income, notional income has been taken at Rs.4,500/-p.m.; deducting 1/3rd toward personal expenses, the monthly contribution has been estimated at Rs.3,000/-; adopting multiplier of 8, the dependency has been quantified at Rs.2,88,000/-; funeral expenses has been taken at Rs.2,500/-; loss of estate at Rs.2,500/- and loss of love and affection at Rs.5,000/-. Thus, the total amount of compensation awarded is Rs.2,98,000/-.

6. It is relevant to point out that the household service rendered by the deceased has not been quantified at all. It is common knowledge that the advancement in age does not give any retirement to the household services. Therefore, the notional income fixed at Rs.4,500/- is not on the higher side, as contended by the learned counsel for the appellant / transport corporation.

7. The amount of compensation fixed and the award passed on each and every one of the heads is based on settled practices and settled principles of law.

Dr.S.VIMALA, J.

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8. In view of the above, the appeal has no merits and thus the appeal is dismissed. Consequently, miscellaneous petition is also closed. No costs.

9.The appellant / Transport Corporation is directed to deposit the entire award amount, along with interest and costs as ordered by the Tribunal, less the amount already deposited, if any before, the Tribunal, 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 claimant through RTGS within a period of two weeks thereafter.

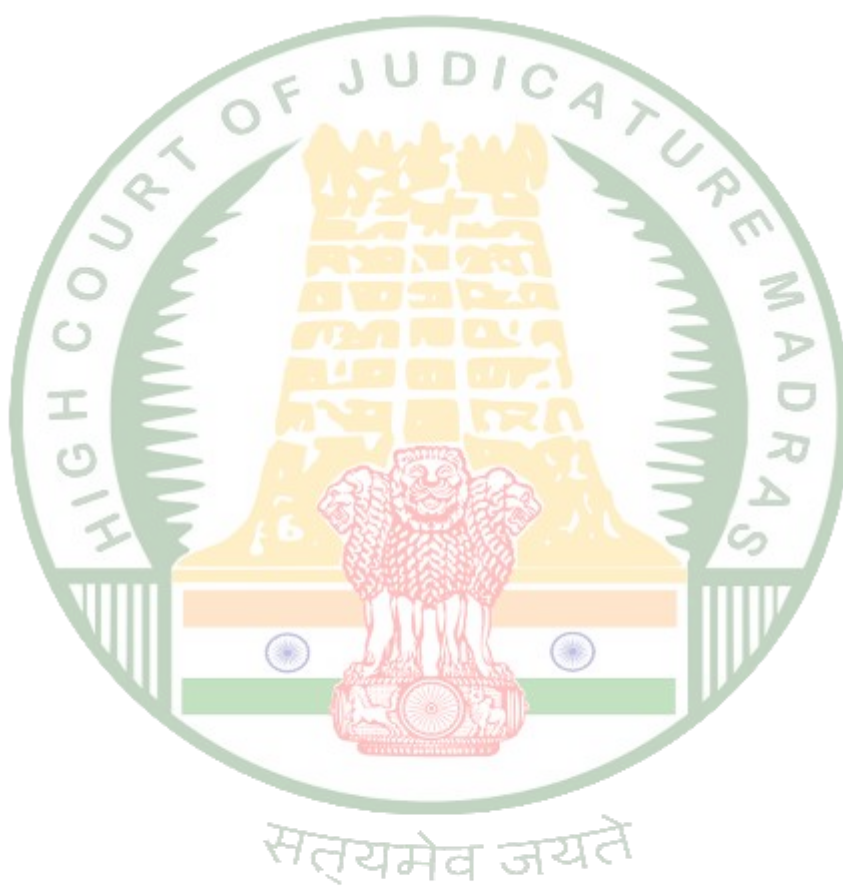
14.06.2017

Index : Yes / No
Internet : Yes / No
Speaking/Non speaking
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To

1. The Subordinate Judge,
Bhavani.
2. The Section Officer,
V.R. Section, High Court, Madras – 104.

C.M.A. No.1918 of 2017



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