

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2017

CORAM

THE HONOURABLE Dr.JUSTICE S.VIMALA

C.M.A.No.1936 of 2017
and
C.M.P.No.10458 of 2017

The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam Limited,
Railway Station Road,
Kumbakonam Division and Town. .. Appellant

/Vs/

1.Saroja
2.Usha
3.Sudha
4.Arulmani
5.Arivazhagan .. Respondents

Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 16.03.2016 made in M.C.O.P.No.164 of 2014 on the file of the Motor Accident Claims Tribunal, Subordinate Judge at Mannargudi.

For Appellant : Mr.D.Venkatachalam

JUDGMENT

This appeal is filed by the Transport Corporation, challenging the quantum of compensation awarded to the claimants at Rs.4,73,000/-.

2. The deceased Selvaraj @ Kaliyaperumal, aged 62 years an agricultural Coolie, earning a sum of Rs.7,500/- per month, died in an accident on 14.03.2013. The legal representatives of the deceased, the wife, daughters and sons, filed the claim petition claiming a sum of Rs.10,00,000/- as compensation. The Tribunal, on materials placed before it, has awarded a sum of Rs.4,73,000/-.

3. The factors, which led to the determination of the compensation are as under:

3.1. The age of the deceased has been fixed as 65 years. The notional income has been fixed at Rs.6,000/- per month on the basis that the deceased had been doing agricultural work and deducting 1/4th towards personal expenses, a sum of Rs.4,500/- has been taken as monthly dependency. As the deceased was aged 65 years, multiplier 7 has been adopted. Thus, the loss of dependency has been calculated at Rs.3,78,000/- (Rs.4,500 x 12 x 7). Awarding a sum of Rs.25,000/- towards cremation expenses,

Rs.10,000/- towards loss of consortium to the first claimant and Rs.10,000/- towards loss of love and affection to claimants 1 to 5 each, and Rs.10,000/- towards Transport Expenses, the total compensation has been calculated at Rs.4,73,000/-.

4. As the deceased had been aged 65 years, there is no scope for increase or addition in the future prospects in income and appropriate multiplier of '7' has been adopted and notional income has also been fixed reasonably. Under such circumstances, the compensation awarded by the Tribunal cannot be said to be excessive on any ground whatsoever.

5. The only ground that is raised by the Transport Corporation is that there is no document filed to prove the age and income of the deceased. The Tribunal has relied upon the postmortem certificate to determine the age of the deceased. So far as the income of the deceased is concerned, when it is stated that he was doing agricultural work, the Court cannot expect any documentary proof for income from agricultural sector. It is common knowledge that avocation of an agriculturist do not have any retirement and therefore, the tribunal was right in fixing income at 6,000/- per month, and there is no ground to agitate the quantum of compensation.

6. In view of the above, the Civil Miscellaneous appeal is dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

04.07.2017

Index : Yes/No
Internet : Yes/No
kv/sms

Note: Issue order copy on 05.07.2017.

To

1. The Motor Accident Claims Tribunal,
Subordinate Judge, Mannargudi.
2. The Section Officer, VR Section,
High Court, Madras.

Dr.S.VIMALA,J.

kv/sms

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