IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED : 13.06.2017

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

C.M.A. No. 2295 of 2017
and
C.M.P.No. 12259 of 2017

The Managing Director,
Tamil Nadu State Transport
Corporation Limited,
37, Mettupalayam Road,
Coimbatore. .. Appellant/2nd Respondent

-/Vs/-

1. C.Palanisamy
2. S.Balamani
3. S.Prema
4. P.Muthukumar
5. Chandrasekar .. Respondents/Petitioners/
1st Respondent

PRAYER:Appeal filed under Section 173 of the Motor Vehicles Act, 1988 to set aside the Judgment and Decree dated 01.04.2016 made in M.A.C.T.O.P.No.280 of 2015 on the file of the Motor Accidents Claims Tribunal, I Additional District Judge, Tirupur.

For Appellant : M/s.K.J.Sivakumar

J U D G M E N T

The deceased, Rajammal, aged about 52 years, an agricultural worker and herding buffaloes, earning a sum of Rs.10,000/- died in the accident that happened on 17.1.15. The legal representatives of the deceased filed claim petition before the Tribunal claiming compensation in a sum of Rs.15,00,000/=.

2. The Tribunal, on consideration of oral and documentary evidence, awarded a sum of Rs.8,18,100/- as compensation, the break-up details of which is as under :-

Loss of dependency	:	Rs.6,83,100/-
Loss of consortium to the 1st petitioner	:	Rs. 50,000/-
Loss of love and affection for petitioners	:	Rs. 50,000/-
Funeral expenses	:	Rs. 25,000/-
Transport Expenses	:	Rs. 10,000/-
Total		Rs.8,18,100/-

Challenging the quantum of compensation awarded as excessive, the present appeal has been filed by the transport corporation.

3. Though several grounds have been taken in the appeal, however, at the time of argument, learned counsel appearing for the appellant confined his submission only relating to the excessiveness of the award and, therefore, this Court is not venturing into any of the other grounds raised in the appeal.

4. Learned counsel appearing for the transport corporation submitted that the no proof having been filed to prove the monthly income of the deceased, the fixation of Rs.6000/- as the monthly income by the Tribunal is excessive and the same needs to be decreased and, consequently the compensation needs to be reduced.

5. The perusal of the award passed by the Tribunal reveals that the claimant had filed Ex.P.8 Copy of sale deed and Ex.P.9 Copy of Patta to show that the deceased was in possession of agricultural lands and was also cultivating crop. P.W.2 has been examined to prove that the deceased was doing agricultural work. Based on the above documentary and oral evidence, the Tribunal fixed the income of the deceased at Rs.6000/- per month and adding 50% towards the future prospective increase in income and deducting 1/4th towards the personal expenses of the deceased and adopting multiplier of 11, the Tribunal quantified the compensation towards loss of dependency at Rs.6,83,100/-.

6. The findings arrived at by the Tribunal and the reasoning given for awarding the quantum of compensation needs to be sustained for the simple reason that the Supreme Court in the case of Syed Sadiq - Vs - United India Insurance Co. Ltd. (2014 (2) SCC 735), has laid down that even in respect of a vegetable vendor, the monthly income could be fixed at Rs.6,500/-. In the case on hand, the deceased, doing agricultural work, would definitely have earned the amount as fixed by the Tribunal. The future prospective increase in income as also the adoption of multiplier and deduction are

proper. The quantification arrived at based on the above computation is wholly justified and the compensation awarded cannot be said to excessive or disproportionate. It is further to be pointed out that the household services rendered by the deceased have not been quantified in terms of money. Had the same been considered, the compensation would be still on the higher side. Therefore, the compensation under the head loss of dependency cannot be said to be excessive and, accordingly, the same is confirmed.

7. Insofar as the compensation awarded under the other heads are concerned, the amounts awarded are just and reasonable and the same cannot be said to be excessive. The Tribunal has considered the evidence in proper perspective and has awarded just and reasonable compensation and the same does not call for any interference.

8. For the reasons aforesaid, this appeal being devoid of merits deserves to be dismissed and, accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petition also closed.

9. The appellant/Transport Corporation is directed to deposit the entire award amount as quantified by the Tribunal along with interest and costs, less the amount, if any, already deposited to the credit of the claim petition, within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, the Tribunal is directed to transfer the amount directly to the bank account of the respective claimants through RTGS, as per the ratio of apportionment ordered by the Tribunal, within a period of two weeks thereafter.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

ksa/GLN

To

1. The I Additional District Judge,
Tirpur.

C.M.A. No. 2295 of 2017 and
C.M.P.No. 12259 of 2017

MR(CO)
TR(04/04/2018)