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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2017

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

C.M.A.No. 2563 of 2017
and
C.M.P. No. 13962 of 2017

The Managing Director,
Tamil Nadu State Transport
Corporation,
37, Mettupalayam Road,
Coimbatore.

...2nd Respondent/ Appellant

Vs

1. Gurusamy
2. Vijaya
3. Jayashree
to 3

... Petitioners/Respondents 1

4. A.Azhagumalai
5. M.Jayaprakash
6. Kousalya Devi
7. United India Insurance Company Limited,
Pollachi Branch, Rep. by its Branch Manager,
11/2, K.D. Complex, New Scheme Road,
Pollachi.

... Respondents 1, 3 to 5/Respondents 4 to 7

PRAYER: Petition filed Under Section 173 of Motor Vehicles Act, 1989 to set aside the Decree and Judgment dated 30.06.2014 made in M.C.O.P.No.63/2012 on the file of Motor Accident Claims Tribunal, Sub Judge, Pollachi.

For Appellant : Mrs.R.T.Sundari

O R D E R

This appeal has been filed by the Transport Corporation, challenging the quantum of compensation awarded to the claimants.



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2. The deceased Suresh Babu, aged 34, said to be a part-time employee in two different firms and earning a sum of Rs.15,000/- per month died in an accident on 27.08.2010. The legal heirs of the deceased filed claim petition claiming compensation in a sum of Rs.20,00,000/-.

3. The Tribunal, on the basis of oral and documentary evidence, awarded a sum of Rs.12,14,800/= as compensation together with interest at 7.5% p.a. under the following heads :-

Loss of Dependency	-	Rs.11,64,800/=
Loss of Love & Affection	-	Rs. 30,000/=
Funeral Expenses	-	Rs. 10,000/=
Transportation Expenses	-	Rs. 10,000/=

Total	-	Rs. 12,14,800/=

Challenging the disproportionate compensation awarded by the Tribunal, the Transport Corporation has filed this appeal.

4. Though many grounds have been taken in the appeal, however, at the time of argument, learned counsel appearing for the appellant restricted his argument with regard to excessive compensation awarded and, therefore, this Court is not dealing with any other issue raised in the appeal.

5. The main contention of the learned counsel for the appellant is that the monthly income has been fixed on the higher side and, therefore, the same needs to be scaled down and consequently the award has to be reduced.

6. A perusal of the award passed by the Tribunal reveals that based on documentary evidence, the Tribunal has fixed the income of the deceased at Rs.9300/= per month and adding 30% towards the future prospective increase in income of the deceased and deducting 50% towards the personal expenses of the deceased, the Tribunal arrived at the monthly contribution of the deceased to the family at Rs.6,000/=. The Tribunal, adopting proper multiplier has quantified the loss of dependency at Rs.11,64,800/=. On an overall consideration of the entire materials as also the award passed by the Tribunal, it cannot be said that the compensation awarded is excessive or disproportionate. Accordingly, this Court confirms the compensation awarded towards loss of dependency.

7. Insofar as the compensation awarded under the heads love and affection, funeral expenses and transport expenses, it to be stated that the amounts cannot in any way said to be excessive.



The Tribunal has conservatively awarded amounts under the said heads. In fact, it is to be stated that the compensation under those heads are on the lower side. Therefore, this Court confirms the compensation awarded under the said heads.

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8. For the reasons aforesaid, the appeal, being devoid of merits is liable to be dismissed and, accordingly, the same is dismissed confirming the order passed by the Tribunal. Consequently, connected miscellaneous petition is closed.

9. The Appellant / Transport Corporation is directed to deposit the entire award amount, along with interest and costs as determined by the Tribunal, 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 judgment. On such deposit being made, the Tribunal is directed to transfer the award amount directly to the bank account of the claimants as per the apportionment ordered by the Tribunal, through RTGS within a period of two weeks thereafter.

s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

msm/GLN

To

The Motor Accident Claims Tribunal
(Sub Judge)
Pollachi.

Copy to

The Section officer
VR Section, High Court, Madras (2 copies)

C.M.A.No. 2563 of 2017

SSV(CO)
SP(28/03/2018)