

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2017

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THE HONOURABLE Dr.JUSTICE S.VIMALA

C.M.A.No.2656 of 2017

and

C.M.P.No.14669 of 2017

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Villupuram Div.II, Vellore.

.. Appellant

/Vs/

1.Vasanthi
2.Minor Karthikeyan
Minor Rep.by his mother R1

.. Respondents

Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 28.07.2006 made in M.C.O.P.No.89 of 2005 on the file of the Motor Accidents Claims Tribunal, Principal District Court, Vellore.

For Appellant : Mr.S.V.Vasantha Kumar

JUDGMENT

The claimants, Vasanthi, aged 36 years and Minor Karthikeyan, aged 16 years, who are wife and son of the deceased, have filed the claim petition for compensation, in respect of death of Chinnapaiyan, claiming a sum of Rs.6,00,000/-.

2. The tribunal, by an order dated 28.07.2006, has passed an award for a sum of Rs.3,19,000/- payable with interest at 7.5% from the date of petition till the date of deposit.

3. The learned counsel for the appellant /Transport Corporation would submit that the entire amount of compensation as determined by the claims tribunal has already been deposited and it has been withdrawn by the claimant. This award has been passed about 11 years back i.e. on 28.07.2006.

4. A perusal of the award would go to show that the age of the deceased has been taken as 47 years and 13 multiplier has been adopted. The break-up details of the award are as under;

Loss of income	: Rs.3,12,000.00
(Monthly income has been taken at Rs.3,000/-and annual income fixed at Rs.36,000/-, multiplier 13 (36,000 x 13) =Rs.4,68,000/- 1/3 rd deduction towards personal expenses Rs.3,12,000/-)	
Loss of love and affection	:Rs. 5,000/-,
Cremation expenses	:Rs. 2,000/-

Total	Rs. 3,19,000/-

4.1. The details of award would go to show that the future prospective increase in income has not been considered and the award of loss of love and affection is also meagre. Therefore,

transport corporation cannot have any grievance against the award passed on merits also. The appeal has no merits and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

5. The appellant/Transport Corporation is directed to deposit the entire award amount, along with interest at 7.5% per annum from the date of petition till the date of deposit and costs, 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 respective share of the first claimant directly to the bank account of the first claimant, as per proportion fixed by the tribunal, through RTGS within a period of two weeks thereafter. Since the second claimant is a minor and the amount payable to his share shall be deposited in interest bearing fixed deposit scheme in any one of the Nationalised Banks till he attains majority and the mother of the minor claimant/first respondent would be entitled to withdraw the interest accruing thereupon once in three months.

Index : Yes/No
Internet : Yes/No
sms

03.08.2017

Dr. S.VIMALA,J.

sms/kv

To

1. The Motor Accidents Claims Tribunal,
Principal District Court, Vellore.
2. The Section Officer, VR Section,
High Court, Madras.



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