

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2017

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THE HONOURABLE DR.JUSTICE S.VIMALA

C.M.A. NO. 3097 OF 2017

AND

C.M.P. NO. 18863 OF 2017

The Managing Director
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.
Kancheepuram.

.. Appellant

- Vs -

1. Jothi
2. Jagannathan
3. Rani
4. Minor Sasikuktha

.. Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 16.12.2015, passed by the Motor Accident Claims Tribunal (I Addl. District Court), Tindivanam, made in MCOP No.24/2013.

For Appellant : Mr. P.Paramasivadoss

ORDER

This appeal has been filed by the Transport Corporation, challenging the

quantum of compensation awarded at Rs.13,03,000/= as against a claim for Rs.15,00,000/= made by the claimants.

2. Since the appellant has challenged only the quantum of compensation awarded by the Tribunal as against the claim made by the petitioner and has not in any manner questioned the merits of the claim, this Court is not adverting to the entire facts leading to the claim. The Tribunal has passed an award for a sum of Rs.13,03,000/=, the breakup of which are as hereunder :-

Pecuniary Loss (4875 X 12 X 18)	:	Rs.10,53,000/-
Funeral Expenses	:	Rs. 20,000/-
Loss of Love & Affection to petitioners 2 & 3	:	Rs. 30,000/-
Loss of love & Affection to minor 4 th petitioner	:	Rs. 1,00,000/-
Loss of Consortium	:	Rs. 1,00,000/-

Total Compensation	:	Rs.13,03,000/-
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The present appeal has been filed by the Transport Corporation challenging the compensation awarded as exorbitant.

3. The relevant factual details, necessary to appreciate the contentions regarding excessiveness of the compensation are alone culled out below:-

The first claimant is the wife, claimants 2 and 3 are the parents and the 4th claimant is the minor daughter of the deceased, who have, as legal heirs of the deceased, filed O.P. No.24/2013 before the Motor Accident Claims Tribunal, Tindivanam, claiming, in all, a sum of Rs.15,00,000/- as compensation.

4. The deceased had been employed as Mason and the trial court, relying upon the decision in ***Pavalakodi & Ors. - Vs – Tamil Nadu Transport Corporation Villupuram Ltd. & Anr. (2015 (2) TNMAC 159)***, while fixing the monthly income of the deceased at Rs.6,500/-, deducting 1/4th towards personal expenses, quantified the contribution of the deceased to the family at Rs.4875/=. The Tribunal, taking into consideration the post-mortem certificate, Ex.P-3, wherein the age of the deceased was fixed at 23 years, relying upon the decision of the Apex Court reported in ***Sarla Verma & Ors. - Vs – Delhi Transport Corporation & Anr. (2009 (2) TNMAC 1 (SC))***, adopted multiplier of 18 and arrived at the pecuniary loss at Rs.10,53,000/=. While the funeral expenses in a sum of Rs.20,000/- has been awarded, loss of love and affection to claimants 2 and 3 had been quantified at Rs.30,000/- and the loss of love and affection to the 4th

claimant was quantified at Rs.1,00,000/-. Loss of consortium to the wife, viz., the 1st claimant, has been fixed at Rs.1,00,000/=. In all, the Tribunal awarded a sum of Rs.13,03,000/= as compensation.

5. A perusal of the details relating to the award passed by the Tribunal will go to show that the Tribunal had not taken into consideration the future prospects in the income of the deceased and since no appeal has been filed by the claimants challenging that portion of the award, this Court is not inclined to increase the same any further. The Tribunal, based on the law laid down by this Court and the Apex Court in various decisions, has awarded compensation under various heads, which, by no stretch of imagination could be termed as unfair or unreasonable. This Court is of the considered opinion that the trial court has awarded fair and reasonable compensation and, therefore, there cannot be any grievance for the appellant with regard to the quantum of compensation awarded to the claimants. The grounds raised for assailing the quantum of compensation awarded is not acceptable to this Court and this Court finds no merit in the appeal and, accordingly, this appeal deserves to be dismissed.

6. In the result, this civil miscellaneous appeal is dismissed confirming the

judgment and decree dated 16.12.2015, passed by the Motor Accident Claims Tribunal (I Addl. District Court), Tindivanam, made in MCOP No.24/2013. Consequently, connected miscellaneous petition is also dismissed. However, in the circumstances of the case, there shall be no order as to costs.

25.10.2017

GLN

To

The Registrar
Motor Accident Claims Tribunal
(I Addl. District Court)
Tindivanam.



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DR. S.VIMALA, J.

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