



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:27.02.2017

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

C.M.A.No.896 of 2017
and C.M.P.No.4408 of 2017

Branch Manager,
New India Assurance Company Ltd.,
Nellikuppam Branch. ... Appellant/Respondent

Vs.

1.Tarabai
2.Ravichandran
3.Sasichandran
4.Vasanthi
5.Brindha
6.Managing Director,
Thanthai Periyar Transport Corporation,
Villupuram. ... Respondents/Petitioners

Civil Miscellaneous Appeal preferred under Section 173 of the Motor Vehicles Act, 1988, against the common judgment and decree dated 17.09.2004 made in M.C.O.P.No.493 of 1994 on the file of the Motor Accident Claims Tribunal, [Additional Sub Court], Tindivanam.

For Appellant : Mr.S.Jayasankar

J U D G M E N T

The deceased, Jayarama Reddiar, aged 60 years, a Contractor and Landlord and thereby, earning a sum of Rs.10,000/- per month, met with an accident that took place on 13.09.1993 and succumbed to the injuries sustained in the accident. Therefore, the legal representatives of the deceased filed a claim petition claiming compensation in a sum of Rs.7,50,000/-.

2.The Tribunal, on consideration of oral and documentary evidence, awarded compensation in a sum of Rs.2,72,000/-, the break-up details of which are as under:

Loss of income [4000x12x5]	-	Rs.2,40,000/-
Loss of love and affection	-	Rs. 10,000/-
Loss of estate	-	Rs. 20,000/-
Funeral Expenses	-	Rs. 2,000/-

Total Rs.2,72,000/-



3. Though very many grounds have been raised in the appeal, however, at the time of argument, the learned counsel for the appellant has restricted his argument to the quantum of compensation alone and therefore, this Court is not venturing into the other grounds raised by the appellant.

5. This Court gave its anxious consideration to the contentions advanced by the learned counsel for the appellant and perused the materials available on record as also the order passed by the Tribunal.

7. Though it is the contention of the learned counsel for the appellant that the Tribunal ought to have fixed the monthly income at Rs.3,000/-, however, the said contention is liable to be rejected for the simple reason that the Supreme Court, in Syed Sadiq - Vs - United India Insurance Co. (2014 (2) SCC 735) has fixed the monthly income at Rs.6,000/- even for a vegetable vendor. The Tribunal, following the ratio laid down in the said decision, has fixed the monthly income at Rs.4,000/-, after making deduction towards personal



expenses, which, in the considered view of this Court is justifiable and warrants no interference. Further, the Tribunal, as per the ratio laid down in the decision of the Apex Court in Sarla Verma's case (2009 5 LW 561), has deducted 1/3rd amount towards personal expenses and adopted the correct multiplier of 5, while quantifying the compensation. Therefore, the compensation quantified towards loss of income cannot be said to be excessive and warrants no interference.

8. Insofar as the compensation awarded under the other heads, viz., loss of love and affection, loss of estate and funeral expenses are concerned, the compensation awarded is very low. However, at this point of time, this Court is not inclined to enhance the compensation awarded under the non-pecuniary heads. Accordingly, the compensation awarded under the above heads are confirmed.

9. For the reasons aforesaid, there being no merits the appeal is liable to be dismissed. Accordingly, the appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

10. The appellant/Insurance Company is directed to deposit the entire amount of compensation as awarded by the Tribunal, less the amount, if any, already deposited, along with interest at 9% per annum from the date of petition till the date of deposit, to the credit of the claim petition, within a period of four weeks from the date of receipt of a copy of this judgment. The claimants are entitled to compensation as per the ratio of the apportionment made by the Tribunal. On such deposit being made, the Tribunal is directed to transfer the respective share amounts of the claimants directly to their bank account through RTGS within a period of two weeks thereafter.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. Motor Accident Claims Tribunal,
[Additional Sub Court], Tindivanam.

2. The Section Officer,
V.R. Section, High Court, Madras.

3. The Managing Director
Thanthi Periyar Transport Corporation, Villupuram

RV(CO)
sm:23.3.2018

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