



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.04.2017

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THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.M.A(MD)No.294 of 2017

and

C.M.P. (MD)No.3490 of 2017

Tamil Nadu State Transport Corporation,
Kumbakonam Division III,
Karaikudi, TNSTC Office,
Through its Branch Manager .. Appellant / Respondent .1

Vs.

1.Sathayee	.. Respondent No.1	/	Petitioner	No.1
2.Subramanian	.. Respondent No.2	/	Petitioner	No.2
3.Sethu	.. Respondent No.3	/	Petitioner	No.3
4.Valli	.. Respondent No.4	/	Petitioner	No.4
5.Sethuraj	.. Respondent No.5	/	Petitioner	No.5
6.Alagar	.. Respondent No.6	/	Petitioner	No.7
7.Jeyapriya	.. Respondent No.7	/	Petitioner	No.8
8.Annadurai	.. Respondent No.8	/	Respondent	No.2

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the decree and judgment passed in M.C.O.P.No. 10 of 2010 dated 14.02.2012 on the file of the Motor Accident Accident Claims Tribunal, Sub Court, Paramakudi.

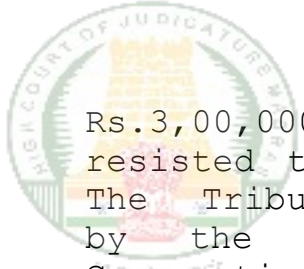
For Appellant : Mr.D.Sivaraman

J U D G M E N T

This Civil Miscellaneous Appeal is directed against the award passed in M.C.O.P.No. 10 of 2010 dated 14.02.2012 on the file of the Motor Accident Accident Claims Tribunal Subordinate Court, Paramakudi.

2. Heard the learned counsel appearing for the appellant/Transport Corporation and perused the materials placed on record.

3. The Transport Corporation is the appellant. One Sathappan, the husband of the first claimant and the father of claimants 2 to 6, died in a road accident, which took place on 08.10.2007. The claimants have claimed a total compensation of



Rs.3,00,000/- (Rupees Three Lakhs only). The Transport Corporation resisted the claim on ground of negligence as well as quantum. The Tribunal however found that the accident was caused by the driver of the bus belonging to the Transport Corporation. On the question of quantum, the Tribunal has adopted a monthly income of Rs.3,000/- (Rupees Three Thousand only) and after deducting 1/3rd towards personal expenses, the annual loss of income has been fixed at to Rs.24,000/- and by adopting multiplier '7' the Tribunal has fixed the total loss of income at Rs. 1,68,000/- (One lakh and sixty eight thousand only). On the other grounds, namely, loss of consortium, loss of love and affection etc., the Tribunal has awarded Rs.10,000/- towards loss of consortium to the first claimant and Rs. 10,000/- (Rupees Ten Thousand only) to each claimants 2 to 6. Totally a sum of Rs. 60,000/- (Rupees Sixty Thousand only) was awarded towards loss of love and affection and the Tribunal has awarded Rs.10,000/- towards funeral expenses. Ultimately, the Tribunal has awarded total compensation of Rs.2,48,000/-.

4. Mr.Sivaraman, learned counsel appearing for the appellant would contend that since the age of the deceased was 45 at the time of his death, the Tribunal is wrong in adopting the multiplier '7'. It should have adopted a multiplier '5' only.

5. No doubt, the Tribunal has adopted the multiplier '7'. Taking into account the Tribunal has awarded a sum of Rs. 10,000/- (Rupees Ten Thousand only) towards loss of consortium to the 1st claimant and Rs.10,000/- (Rupees Ten Thousand only) each to claimants 2 to 6 towards loss of love and affection, which are abysmally low, I do not see any ground to interfere with the award of the Tribunal. Hence, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected C.M.P.(MD) No.3490 of 2017 is also dismissed.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To
The Subordinate Judge,
Motor Accident Claims Tribunal,
Sub Court, Paramakudi.

+1cc to Mr.D.SIVARAMAN Advocate in SR. No.51705

CM

JS/SV/02.05.2017/2P/2C

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and C.M.P. (MD) No.3490 of 2017
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