



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2017

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) .No.466 of 2016

and

C.M.P. (MD) .No.6052 of 2016

The General Manager
Tamil Nadu State Transport Corporation,
Tiruchirappalli ... Appellant/Respondent

Vs

1.Vasumathi
2.Renuga
3.Minor Ganesan
S/o.Pandian
(3rd respondent is a minor represented
by his mother Vasumathi the 1st respondent)
...Respondents /Petitioners

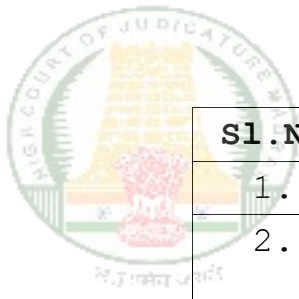
PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicle Act, to set aside the fair and decretal order dated 04.12.2015 made in M.C.O.P.No.394 of 2012 on the file of the Motor Accident Claims Tribunal/Sub Court, Kulithalai.

For Appellant : Mr.P.Prabhakaran
For Respondents : Mr.N.Sudhagar Nagaraj

J U D G M E N T

The Transport Corporation has filed this appeal challenging the impugned award on the ground of quantum. The deceased was a Head Constable, aged about 48 years. The principal contention urged by the learned Standing Counsel appearing for the appellant Transport Corporation is that the Tribunal ought to have applied split multiplier in this case.

2. The deceased was earning Rs.22,000/- per month. As a member of Police Service, his age of retirement would be 58 years. Therefore, the multiplier 13 cannot be applied. As such, we have to necessarily to apply a fit multiplier to this case. The monthly income of the deceased has to be fixed as Rs.22,728/- and adding of future prospects it arrive to Rs.28,727/-. The compensation payable to the claimants will have to be re-worked as under :



Sl.No	Heads	Amount in Rupees
1.	For loss of income	Rs.22,98,192/-
2.	After retirement, loss of income adopting multiplier method	Rs.3,44,728/-
3.	Damages in other conventional heads	Rs.70,000/-
	Total	Rs.27,12,920/-

3. Therefore, the compensation awarded by the Tribunal is reduced from Rs.30,87,400/- to Rs.27,12,920/-. Accordingly, the award made in M.C.O.P.No.394 of 2012 on the file of the Motor Accident Claims Tribunal/Sub Court, Kulithalai is modified as indicated above.

4. The appellant Transport Corporation is liable to pay the entire sum of Rs.27,12,920/- with interest at 7.5% per annum and costs from the date of petition till the date of realization within a period of twelve weeks from the date of receipt of a copy of this order, less the amount already deposited, if any. On such deposit, the claimants are entitled to withdraw the said sum, less the amount already withdrawn by them, if any, as apportioned by the Tribunal, by filing proper application before the Tribunal.

5. This Civil Miscellaneous Appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Subordinate Judge,
Motor Accident Claims Tribunal, Kulithalai.

2. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2Copies)

+ 1 cc TO Mr.N.Sudhagar Nagaraj , Advocate in SR No. 87792

+ 1 cc TO Mr.P.Prabhakaran , Advocate in SR No. 87824

kmi/dss

AE/KK/SAR3/30.01.2018/2P/6C

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