



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	12/03/2018
Delivered on	17/07/2018

CORAM:

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM**Rev. Aplc (MD) No. 243 of 2017****(Through Video Conference)**

WEB COPY

1. P. Rajammal @ Periyakkal
2. P. Mohanraj
3. P. Moorthy

... Petitioners

Vs.

The Managing Director,
State Express Transport Corporation,
Anna Salai, Chennai - 2.

.. Respondent

Prayer : Review Petition has been filed against the order dated 13.07.2016 passed in C.M.A. (MD) No. 462 of 2010.

Prayer in CMA (MD) No. 462 of 2010 :

To set aside the Decree and Judgment dated 28.09.2007 in MCOP.2271 of 2004, on the file of the MACDT, III Additional Sub Judge, Trichy.

For Petitioners : Mr. K. P. Narayanakumar

O R D E R

This review application is directed against the judgment passed in C.M.A. (MD) No. 462 of 2010, dated 13.07.2016.

2. This is the case of fatal accident, in which, the deceased died at the age of 59 years. Taking note of the fact that the deceased was an employee under Indian Railways, Civil Miscellaneous Appeal was partly allowed, by applying split multiplier.

3. It is argued by the learned counsel for the petitioners that compensation was reduced based on the decision reported in **(2012) 7 MLJ 410 [Divisional Manager, Royal Sundaram Alliance Insurance Company Limited, Chennai vs. Saraladevi and others]**, but it was reversed by the Hon'ble Apex Court on 20.08.2014. It is further contended that in **2014 (1) TAN MAC 481 [Puttamma vs. K.L. Narayana Reddy]**, and the subsequent judgment of this Court have taken a view that regular multiplier has to be applied.

4. The Division Bench of this Court in C.M.A. (MD) No. 1135 of 2015, after considering the judgment of the Hon'ble Supreme Court in **2014 (1) TAN MAC 481**, and following the other decisions has held as follows:-



"12. It is true that in 2014(1) TN MAC 481 in the case of Puttamma Vs. K.L.Narayana Reddy, the Hon'ble Apex Court has observed that in the absence of any specific reason and evidence on record, the tribunal or the court shall not apply split multiplier in routine course and should apply multiplier as per the decision in Sarla Verma. The issue came up for consideration before this court on many occasions and the different Division Benches of this court in the decisions reported in 2013 (2) MWN (Civil) 729, 2014(1) TN MAC 334, 2014(1) TN MAC 651, 2015(2) TN MAC 449 and an unreported judgment made in CMA(MD)Nos.320 of 321 of 2013, dated 28.01.2014 and the Division Bench of Kerala High Court in 2016(1) TN MAC 493 have applied theory of split multiplier taking note of the fact that the Government Servants would get 50% of the salary as monthly pension after their retirement. In view of the above fact, in cases where the claimants have not established the possibility of extension of service and constant income after retirement, it would be appropriate to adopt split multiplier."

5. In the case on hand, though it is claimed that the deceased was hale and healthy and he would earn Rs.5,000/-, even after his retirement for about 10 years, no evidence has been produced to establish the same. Even if a calculation is made based on the above statement, the claimants would be entitled for Rs.6,00,000/- (Rs.5000/- x 12 x 10), but, in this case, Rs.7,99,200/- has been awarded. It is further to be noted that the petitioners remained absent despite service of the notice when the appeal was taken up for final disposal.

6. Considering the above fact, I do not find any error apparent on the face of record warranting interference of this Court. In the result, the Review Application fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-IV)

To
The Managing Director,
State Express Transport Corporation,
Anna Salai, Chennai - 2.

+1cc to Mr.K.P.Narayanakumar, Advocate Sr.No.73808
RNS
VB/KAK/SAR4/09.08.2018/2P/3C

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