IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2017

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THE HONOURABLE Dr.JUSTICE S.VIMALA

C.M.A.No.2569 of 2017
and
C.M.P.No.14003 of 2017

The Managing Director,
Tamil Nadu State Transport Corporation
Branch - I, Villupuram,
Tiruvannamalai Region. ... Appellant/Respondent

Vs.

1.Tamilarasi
2.Santhi ... Respondents/Petitioners

Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 09.01.2015 made in M.C.O.P.No.906 of 2013 on the file of the Motor Accident Claims Tribunal, The Special Subordinate Court (Incharge), Tiruvannamalai.

For Appellant : Mr.K.J.Sivakumar

JUDGMENT

The appeal has been filed by the Transport Corporation challenging the quantum of compensation.

2. The claim is made in respect of death of the deceased Anandan, aged 23 years, a Mason and Building worker, earning a sum of Rs.9,000/-, who died in an accident on 24.04.2012.

3. The Tribunal has quantified the compensation at Rs.7,23,000/- with the following break-up details;

Loss of income (3000x12x18)	:	Rs. 6,48,000.00
Loss of love and affection	:	Rs. 20,000.00
Funeral expenses	:	Rs. 5,000.00
Loss of consortium (to the first respondent)	:	Rs. 50,000.00
Total	:	Rs. 7,23,000.00

4. While fixing the loss of earnings to the family, the monthly income has been fixed at Rs.4500/- and deducting 1/3 towards personal expenses and adopting multiplier of 18, the

total loss of income has been quantified at Rs.6,48,000/- (Rs.3000 x 12 x 18). Awarding a sum of Rs.20,000/- towards loss of love and affection to both wife and mother, Rs.5,000/- towards funeral expenses and Rs.50,000/- towards loss of consortium to the first respondent, the total amount of compensation has been quantified at Rs. 7,23,000.00/-

5. The learned counsel for the appellant would submit that there was no proof filed with regard to the age of the deceased and when there was no documentary proof for the income of the deceased, the multiplier of 18 ought not to have been awarded and that, the monthly income taken and the loss of earnings awarded are unreasonable and baseless and it has to be set aside.

6. Whether this contention deserves to be accepted is the only issue to be considered.

6.1. So far as the age of the deceased is concerned, the Tribunal has relied upon the postmortem certificate, where under, the age of the deceased had been determined as 23 years. At the time of postmortem, nobody would give wrong details regarding the age of the deceased and so far as the monthly income is concerned, in the case of Syed Sadiq, etc., Vs. Divisional Manager, United India Insurance Co., Ltd., reported in 2014 (1) TNMAC 459 (SC), the monthly income has been taken at Rs.6,500/- and therefore, the monthly income taken by the Tribunal can be said to be on the lower side but not on the higher side.

7. Therefore, the contention raised in the grounds of appeal does not deserve to be accepted. The appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

8. The appellant/Transport Corporation is directed to deposit the entire award amount, along with interest at 7.5% and costs, less the amount already deposited, if any, before the Tribunal, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit being made, the Tribunal is directed to transfer 50% of the award amount directly to the bank account of the respondents/claimants through RTGS, as per the proportion fixed by the tribunal, within a period of two weeks thereafter and the balance 50% of the award amount shall be deposited in any one of the nationalized banks initially for a period of three years and renewable thereafter.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

sms/kv

To

The Motor Accident Claims Tribunal,
The Special Subordinate Court (Incharge),
Tiruvannamalai.

C.M.A.No.2569 of 2017
and
C.M.P.No.14003 of 2017

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