

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2018

CORAM

THE HONOURABLE MR. JUSTICE R. SUBBIAH

AND

THE HONOURABLE MR. JUSTICE P.D. AUDIKESAVALU

C.M.A. No. 3403 of 2014

&

M.P. No. 1 of 2014 & C.M.P. No. 11087 of 2016

The Managing Director,
Tamil Nadu State Transport
Corporation Limited,
Villupuram.

..Appellant/Respondent

Vs.

1. Reeta
2. Franklin Rupes
3. Tennison
4. Minor Evanjulim
(Minor respondent rep. by Guardian/
mother 1st respondent)

5. Poongavanam

..Respondents/Petitioners

Prayer: Civil Miscellaneous Appeal as against the judgment and decree dated 09.04.2011 passed in M.C.O.P. No. 670 of 2009 by the Motor Accidents Claims Tribunal (Principal District Judge), Villupuram.

For Appellant :: Mr.K.J. Sivakumar

For Respondents :: Mr.D. Arunkumar

J U D G M E N T

(Judgment of the Court was delivered by R. SUBBIAH, J.)

This Civil Miscellaneous Appeal has been filed as against the award dated 09.04.2011 passed in M.C.O.P. No. 670 of 2009 by the Motor Accidents Claims Tribunal (Principal District

Judge), Villupuram.

2. The respondents herein are the claimants before the Tribunal.

3. The claim petition was filed before the Tribunal, by the claimants, seeking compensation to the tune of Rs. 20,00,000/- for the death of one Sunder Rajan Paul, in the accident, which occurred on 16.05.2009. The Tribunal, on consideration of oral and documentary evidence, while holding that the driver of the appellant Corporation bus was responsible for the accident, for having driven the vehicle rashly and negligently, awarded a compensation of Rs.15,25,232/- together with interest @ 7.5% per annum. Challenging the quantum of compensation awarded, the present appeal has been preferred by the Transport Corporation.

4. Since the appeal has been filed questioning only the quantum awarded, it is not necessary for this Court to traverse into other aspects of the award.

5. So far as the quantum of compensation is concerned, it is the case of the claimants before the Tribunal that the deceased was working in Southern Railway and earning a sum of Rs.14,545/- per month. At the time of accident, he was 47 years old. In order to prove the age and income of the deceased, on the side of the claimants, his school transfer certificate and his salary certificate were marked as Exs-P5 and P6 respectively. Based on the said documents, the Tribunal fixed the age of the deceased as 47 years and monthly income as Rs.14,545/-. By deducting one-third towards "Personal Expenses", the " Monthly contribution of the deceased to his family" was calculated as,
Monthly Contribution of

the deceased :: Rs.14,545/- (-) 1/3 (Rs.14,545/-)

:: Rs.9697/-

Annual Contribution of

the deceased :: Rs.9697 x 12

:: Rs.1,16,364/-

Considering the age of the deceased, namely, 47 years, the Tribunal had adopted multiplier 13 and arrived at " Loss of Dependency" as hereunder:

Loss of Dependency :: Rs.1,16,364 x 13
 :: Rs. 15,12,732/-

Further, under the other conventional heads, namely, "Funeral Expenses", " Loss of Consortium" and "Loss of Estate", the Tribunal has awarded Rs.5,000/-, Rs.5,000/- and Rs.2,500/- respectively, which are very reasonable. The award of the Tribunal of a sum of Rs.15,12,732/- cannot be said to be excessive and there is no scope for any further reduction. Therefore, the Civil Miscellaneous Appeal fails and the same is dismissed. No costs. Connected Miscellaneous Petitions are closed.

6. The appellant Transport Corporation is directed to deposit the entire award amount, with interest and costs, if not already deposited within a period of four weeks from the date of receipt of a copy of this order and on such deposit being made, the major claimants are permitted to withdraw their respective shares, as per the apportionment of the Tribunal and the share of the minor claimant shall be deposited in anyone of the Nationalised Banks in interest bearing Fixed Deposit till she attains majority. The 1st respondent/wife of the deceased is permitted to withdraw interest accruing on such deposit once in three months.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

nv
To

1. The MACT (Principal District Court),
Villupuram.

2. The Section Officer,
V.R. Section, High Court, Madras. (2 copies)

+1cc to Mr.K.J.SIVAKUMAR, Advocate, S.R.No.2150
+1cc to Mr.D.ARUNKUMAR Advocate, S.R.No. 1419

C.M.A. No. 3403 of 2014

RV (CO)
TR(16/02/2018)