



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2018

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WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.A(MD) .No.1421 of 2013
and
MP(MD) No.4 of 2013

Tamil Nadu State Transport Corporation Limited,
(Kumbakonam Division II)
Rep. by its Managing Director,
Having Office at Periamilaguparai,
Cantonment,
Trichy - 1.

... Appellant/Respondent

Vs.

1.N.Nallusamy
2.N.Gopal
3.N.Muthu Raman

... Respondents/Petitioners

PRAYER:- Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 23.01.2012, passed in M.C.O.P.No.342 of 2011 on the file of the Motor Accidents Claims Tribunal, Additional District Court - Fast Track Court No.I, Tiruchirapalli.

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

JUDGMENT

This Civil Miscellaneous Appeal has been filed challenging the award passed by the learned Additional District Judge, Fast Track Court No.I, Motor Accidents Claims Tribunal, Tiruchirapalli in M.C.O.P.No.342 of 2011, dated 23.01.2012.

2. Heard the learned Counsel appearing on either side and perused the records carefully.

3. It is a case of fatal and the tribunal has awarded a sum of Rs.4,25,000/- as compensation, against which, the Appellant/Transport Corporation company is before this Court.

<https://hcservices.ecourts.gov.in/hcservices/>

4. Though several grounds are raised in the memorandum of grounds, the main ground on which the appellant Corporation has



filed this appeal is on quantum only.

5. The learned Counsel for the appellant would submit that the tribunal erred in fixing the monthly income of the deceased as Rs.3,000/- and deduction of personal expenses at 1/4 is unsustainable.

6. The learned Counsel for the appellant would further submit that the Tribunal ought to have calculated the loss of income by applying multiplier as 15, by taking into account the age of the deceased is 45 years, as per **Sarala Verma v. Delhi Transport Corporation**, instead of 14 and therefore, the same deserves interference.

7. Perusal of record shows that the deceased was doing coolie work. The learned Judge fixed the monthly income of the deceased at Rs.3,000/- per month and deducted 1/4th towards the personal expenses. The accident is of the year 2010. This Court in various cases has fixed the monthly income at Rs.6,000/- where no income proof is produced and in the present case, no future prospects is also awarded. Therefore, in my considered opinion, the award passed by the learned Judge is very low. It is stated that there is no appeal filed by the respondents/claimants. Therefore, the award passed by the learned Judge does not warrant any interference.

8. The tribunal, having regard to the facts and circumstances of the case and after analyzing the evidences let-in by both the parties, in the interest of justice, has passed the award and therefore, this Court is of the considered view that the ground on which the present appeal came to be filed lacks merit and this appeal is liable to be dismissed.

9. In the result, this Civil miscellaneous appeal is dismissed. The award passed by the tribunal in M.C.O.P.No.342 of 2011 dated 23.01.2012, is hereby confirmed. The appellant is directed to deposit the entire compensation with interest @ 7.5% per annum from the date of claim petition, till the date of deposit, within a period of eight weeks from the date of receipt of a copy of this judgment, if not deposited already. On such deposit the respondents/claimants are permitted to withdraw their share of award amount with accrued interest and costs, less the amount already withdrawn by them, if any, by filing proper application before the Tribunal. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/



To

1. The Additional District Judge,
Fast Track Court No.I,
Motor Accidents Claims Tribunal,
Tiruchirapalli.

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

+ 1 CC TO Mr.N.SUDHAGAR NAGARAJ, ADVOCATE IN SR No. 72491

+ 1 CC TO Mr.P.PRABHAKARAN, ADVOCATE IN SR No. 72303

RM

TE/RP/SAR-2 : 30/07/2018 : 3P/6C

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