

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2019

CORAM:

THE HON'BLE Mr. JUSTICE R.MAHADEVAN

Civil Miscellaneous Appeal No.3626 of 2004

and

C.M.P.No.19480 of 2006

The Managing Director,  
Tamil Nadu State Transport Corporation Ltd.,  
37 Mettupalayam Road,  
Coimbatore

... Appellant/2<sup>nd</sup> Respondent

..VS..

1. A.Thameem Basha

2. Minor T.Thabirose Basha @ Asik

reb by his Guardian & Father A.Thameem Basha

... Respondents 1 & 2/Claimants

3. Selvam (Driver, givenup)

4. New India Assurance Company,  
Avinasi Road,  
Coimbatore 641 018

... Respondents 3 & 4/Respondents 1 & 3

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree, dated 28.10.2003 made in M.C.O.P.No.194 of 1999 on the file of the Motor Accident Claims Tribunal, Principal Sub-Court, Coimbatore.

For Appellant : Mr. K.J.Sivakumar

J U D G M E N T

As against the claim made for a sum of Rs.22,63,600/-, award has been passed by the Claims Tribunal for a sum of Rs.4,04,541/-. Challenging the quantum of compensation as disproportionate to the income of the deceased, this appeal has been filed by the Transport Corporation.

2. The deceased, Anjum Banu, aged 29, Typist in M/s. Sasi Advertising Private Limited, Coimbatore, earning a sum of Rs.2,800/- per month, died in an accident on 08.01.1998.

appearing for the appellant / Transport Corporation that the monthly salary of the deceased ought not to have been fixed at Rs.2,800/- and that the award passed is unsustainable in law.

4. However, contending that at the young age of 29, the husband and child have suffered loss of love and affection of the wife and loss of dependency, they made a claim for the said sum.

5. In order to appreciate the contentions, it is necessary to find out the basis on which the award has been quantified.

6. The Tribunal has relied upon Ex.P-3-salary certificate issued by M/s. Sasi Advertising Private Limited, wherein the deceased had been employed as Typist and earning a sum of Rs.2,800/- per month. After deducting Rs.1,000/- towards personal expenses, the monthly contribution has been taken as Rs.1,800/- and adopting the multiplier of 18, the loss of income has been quantified at Rs.3,88,800/-. The medical expenses has been awarded at Rs.15,741/- and the total amount of compensation was quantified at Rs.4,04,541/-. Further, the Tribunal has meticulously discussed in detail Exs.P-1 to P-7 in judgment, for which there is no contra evidence available on record.

7. Further, it is relevant to point out that the loss of love and affection, cremation expenses, Transport Expenses and loss of expectation of life have not been awarded at all. Even though the deceased had been employed in a private company, the future prospective increase in income or the future promotional aspect has not been considered at all.

8. Hence, this Court is of the view that the amount of compensation, as already awarded by the Claims Tribunal, will be fair enough to compensate the Legal Representatives of the deceased. Therefore, the Civil Miscellaneous Appeal filed by the Transport Corporation has no merits. The award of compensation passed by the Claims Tribunal is reasonable, just, fair and does not require any interference by this Court. Thus, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the connected CMP is closed.

9. The appellant / Transport Corporation shall deposit the entire compensation amount, as awarded by the Claims Tribunal, along with the interests and costs, less the amount already deposited, if any, within a period of four weeks, from the date of receipt of a copy of this judgment. The ratio of apportionment shall be as ordered by the Claims Tribunal. The minor claimant should have attained majority as on now. Therefore, on such petition being taken out to declare the minor claimant as major, the Claims Tribunal shall pay the compensation to the RTGS Account of the second respondent herein and if not, that share amount shall be deposited in a

Nationalised Bank and interest accrued thereon shall be withdrawn by the guardian of the minor claimant / R-1. In respect of another claimant / R-1, the same procedure shall be followed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

srk

To

1. Motor Accident Claims Tribunal,  
Principal Subordinate Judge, Coimbatore.
2. The Section Officer,  
V.R.Section, Madras High Court,  
Chennai 104.

+1cc to Mr.K.J.Sivakumar, Advocate, S.R.No. 49845

C.M.A.No.3626 of 2004  
and C.M.P.No.19480 of 2006

KJI (CO)  
GN(23/01/2020)