

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2019

CORAM:

THE HONOURABLE Mr.JUSTICE RMT.TEEKAA RAMAN

C.M.A.No.2504 of 2011

1.Asothai
2.Subramanian

.. Appellants/Petitioner

Vs.

The Managing Director,
Metro Transport Corporation Limited,
Pallavan Salai, Chennai - 2

.. Respondent/Respondent

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and Decree dated 30.06.2008 made in M.C.O.P.No.1715 of 2002 on the file of the Motor Accidents Claims Tribunal, III Judge, Court of Small Causes, Chennai.

For Appellant : Ms.Y.Jayanthi Bhaskar
For Mr.J.Mahalingam

For Respondent : Mr.S.V.Vasantha Kumar

JUDGMENT

This Civil Miscellaneous Appeal has been filed against the Judgment and Decree dated 30.06.2008 made in M.C.O.P.No.1715 of 2002 on the file of the Motor Accidents Claims Tribunal, III Judge, Court of Small Causes, Chennai.

2. The parents of the deceased have filed this appeal claiming enhancement of compensation awarded by the Tribunal, on being not satisfied with the award passed in M.C.O.P.No.1715 of 2002.

3. Heard both sides and perused the materials available on record.

4. It is seen from the records based upon Exhibit P2 Post Mortem Certificate that the age of the deceased was fixed

at '20' and in view of the Constitutional Bench judgment, the multiplier at '18' was adopted and though the parents claim that their son was working as a Sales Manager, the same was not proved, taking into consideration of the year of the accident, namely in 2000 and the notional income has been fixed at Rs.3,000/- and for future prospects, 40% has to be added to the income. Accordingly, the income is arrived at Rs.4,200/- (Rs.3,000+1200=Rs.4200/-). After adopting the multiplier of 18 with the above income, (Rs.4200*12*18=Rs.9,07,200/-) is arrived at and since he was Bachelor, 50% deduction has to be made and the same is arrived at Rs.4,53,600/- (Rs.9,07,200 - 50% of 9,07,200) and accordingly, Rs.4,53,600/- is fixed as loss of income.

5. With regard to funeral expenses, the same was awarded by the Tribunal at Rs.2,000/-, which is hereby enhanced to Rs.10,000/-. For loss of estate, the Tribunal fixed the same at Rs.2,500/- and the same is hereby enhanced to Rs.10,000/-. For loss of love and affection, the Tribunal awarded Rs.50,000/- and the same is hereby confirmed. For transportation, Rs.10,000/- is hereby awarded by this Court.

6. Hence, total compensation is hereby enhanced to Rs.5,33,600/- from Rs.2,04,500/- as awarded by the Motor Accidents Tribunal and hence, the award amount in M.C.O.P.No.1715 of 2002 is modified as tabulated below:

Heads	Trial Court	High Court
For loss of income of the deceased	Rs.1,50,000/-	Rs. 4,53,600/-
For funeral expenses	Rs. 2,000/-	Rs. 10,000/-
For loss of estate	Rs. 2,500/-	Rs. 10,000/-
For loss of love and affection	Rs. 50,000/-	Rs. 50,000/-
For transport	---	Rs. 10,000/-
Total	Rs.2,04,500/-	Rs.5,33,600/-

7. The learned counsel for the Transport Corporation stated that the entire award amount has already been deposited and the Transport Corporation shall deposit the balance amount within a period of eight weeks from the date of receipt of a copy of this judgment. The interest awarded by the Tribunal at 12% is hereby confirmed and for the enhanced amount of compensation, interest at the rate of 7.5% is awarded.

8. With the above enhancement in the amount awarded by the Tribunal, this Civil Miscellaneous Appeal is partly allowed. The appellants/claimants shall pay necessary Court fee, if any, on the enhanced compensation. No costs.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

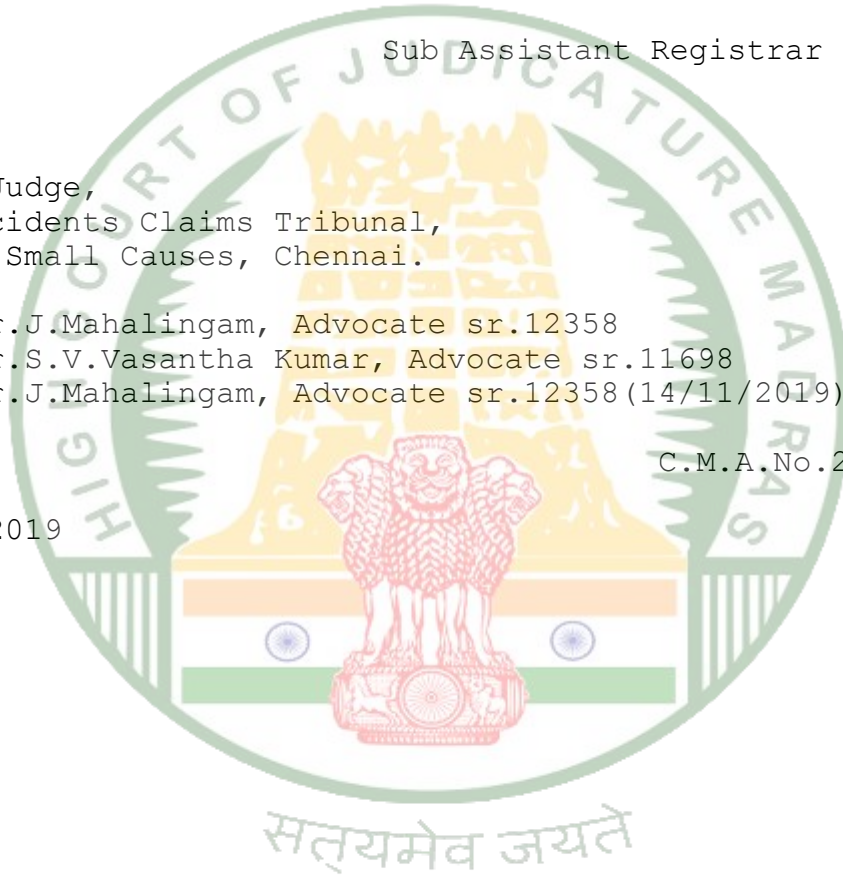
To

The III Judge,
Motor Accidents Claims Tribunal,
Court of Small Causes, Chennai.

+1cc to Mr.J.Mahalingam, Advocate sr.12358
+1cc to Mr.S.V.Vasantha Kumar, Advocate sr.11698
+1cc to Mr.J.Mahalingam, Advocate sr.12358(14/11/2019)

C.M.A.No.2504 of 2011

nr 11/10/2019



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