

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

C.M.A.No.2194 of 2015

1. Gracy
2. Manickaraj
3. Janahiraman

..Appellants /Petitioner

Vs

Managing Director,
Tamil Nadu State Transport Corporation,
Vellore.

... Respondent/Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree dated 11.08.2009 made in MACTOP.No.531 of 2006, on the file of the Motor Accident Claims Tribunal, District Judge, Thiruvannamalai.

For Appellants : Mrs.M.Malar

For Respondent : Mr.S.Sairaman

JUDGMENT

This appeal is preferred by the appellants/claimants against the award of a sum of Rs.2,96,000/- towards compensation for the death of one Sunilkumar, who died in a motor vehicle accident.

2.The case in brief, is as follows:

On the fateful day, ie. on 20.03.2006, at about 06.15pm, the deceased Sunilkumar was proceeding in a motorcycle bearing Registration No.TN 23 AY 7952. When he was nearing Jolarpet Bus stop, the bus bearing registration No.TN 23 N 1598 belonging to the respondent Transport Corporation, came in a rash and negligent manner and dashed against the motorcycle. Due to the said impact, the deceased sustained grievous injuries and he later on, died in the hospital. His father, mother and brother being the surviving legal heirs, filed a claim petition seeking compensation of Rs.25,00,000/-. On consideration of the materials and evidence available on record, the Tribunal awarded

a total compensation of Rs.2,96,000/- with interest at the rate of 7.5% per annum from the date of petition. Feeling aggrieved and being dissatisfied with the quantum of compensation so awarded, the appellants are before this Court with the present appeal seeking enhancement of the same.

3.The learned counsel for the appellants /claimants has submitted that the compensation awarded by the Tribunal is inadequate and hence, the same has to be enhanced substantially.

4.Per contra, the learned counsel for the respondent/ Transport Corporation submitted that after properly analysing the materials and evidence, the Tribunal has awarded the compensation, which is just and reasonable and hence, the same does not require any interference in the hands of this Court.

5.Heard the learned counsel on either side and perused the materials available on record.

6.This appeal is filed by the claimants seeking enhancement of the compensation awarded by the Tribunal. Hence, there is no requirement for this Court to go into the findings of the Tribunal as regards negligence as well as the liability of the respondent Transport Corporation to pay compensation.

7.With respect to quantum of compensation, it is seen that the mother of the deceased was examined as P.W.1, who deposed in her evidence that the deceased was aged about 25 years and was earning Rs.10,000/- per month by working as a Supplier in Assam Tea Company, besides a LIC agent. However, the Tribunal has taken the monthly income of the deceased at Rs.2,400/- which appears to be on the lower side and hence, the same is hereby enhanced to Rs.4,000/-. After deducting 1/3rd towards personal expenses, the annual income of the deceased would be arrived at Rs.32,004/-. Taking note of the age of the deceased (25 years), the correct multiplier to be adopted is '18'. Accordingly, the compensation towards loss of income is redetermined at Rs.5,76,072/- (32,004x18) rounded off at Rs.5,76,000/- and is hereby enhanced. However, there is no modification with regard to the compensation awarded by the Tribunal under the heads 'loss of love and affection' and 'funeral expenses'. Thus, the compensation awarded by the Tribunal is enhanced to Rs.5,84,000/-, the details of which, would run thus:

Head	Compensation awarded by the Tribunal (Rs.)	Compensation enhanced by this Court (Rs.)
Loss of Income	2,88,000/-	5,76,000/-

Head	Compensation awarded by the Tribunal (Rs.)	Compensation enhanced by this Court (Rs.)
Loss of love and affection	6,000/-	6,000/-
Funeral Expenses	2,000/-	2,000/-
Total	2,96,000/-	5,84,000/-

It is made clear that the enhanced sum of Rs.2,88,000/- shall carry interest at 7.5%pa only from the date of filing of this appeal.

8.In fine, this appeal is partly allowed. No costs. The respondent Transport Corporation is directed to deposit the entire compensation amount, with interest and costs, after deducting the amount, if any, already deposited, within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit being made, the appellants/claimants are permitted to withdraw their respective shares as per the ratio of apportionment made by the Tribunal, on making proper application. It is made clear that the appellants/claimants shall pay the necessary Court fee for the enhanced amount of compensation, if not already paid.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

av

To

1.The Motor Accidents Claims Tribunal,
District Judge,Thiruvannamalai.

2.The Section Officer,
VR Section, Madras High Court.

+1 cc to M/s.M.Malar, Advocate Sr.No. 95880

C.M.A.No.2194 of 2015

RSV(CO)
RMP(27/04/2021)