

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED.14.08.2020

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.No.1446 of 2013

&

M.P.No.1 of 2013

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Vellore

... Appellant

vs.

Valliammal (Died)

1.Saravanan
2.Balachandar
3.Parashakthi
4.Rajkumar

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and decree passed by the Motor Accident Claims Tribunal, Additional District & Sessions Judge, Vellore in MCOP.No.63 of 2011 dated 17.08.2012.

For Appellant : Mr.C.S.K.Sathiesh

For respondents : Mrs.R.Vasantha mala

JUDGMENT

[This Appeal has been taken up for hearing through Video Conferencing]

This appeal has been filed by the Appellant/Transport Corporation challenging the award dated 17.08.2012 passed by the Motor Accident Claims Tribunal (Additional District and Sessions Court, Vellore) in MCOP.No.63 of 2011.

2. Heard Mr.C.S.K.Sathiesh, learned counsel for the Appellant and Mrs.Vasantha Mala, learned counsel for the respondents.

3. The Appellant Transport Corporation has primarily challenged the award questioning the quantum of compensation

awarded to the respondents. The respondents are the legal representatives of the deceased Ganesan who died on 13.03.2006 as a result of an accident caused by a bus owned by the Appellant Transport Corporation.

4. The Tribunal under the impugned award has awarded a compensation of Rs.2,32,000/- together with interest and costs to the respondents as detailed hereunder:

Heads	Award Amount (Rs.)
Loss of pecuniary benefits	1,80,000/- (4500 - 1/3 = 3000 x 12 x 5)
Loss of love and affection	50,000/-
Funeral expenses	2,000/-
Total	2,32,000/-

5. The Tribunal under the impugned award has assessed the notional monthly income of the deceased Ganesan at Rs.4,500/-. In the claim petition, the respondents have claimed that the deceased was a Siddha Doctor. However as seen from the impugned award, since no documentary evidence has been produced by the respondents before the Tribunal in support of the said contention, the Tribunal assessed the monthly income of the deceased on notional basis at Rs.4,500/-.

6. This court after giving due consideration to the year of the accident which happened in the year 2006 and in view of the fact that the deceased was a siddha doctor, the assessment of monthly income of the deceased at Rs.4,500/- by the Tribunal is a correct assessment and does not call for any interference.

7. The total compensation awarded by the Tribunal is Rs.2,32,000/- which does not include any compensation towards loss of future prospects. As per settled law, the respondents are entitled for loss of future prospects. However, the Tribunal has erroneously failed to award any compensation towards the said head. Therefore, it cannot be said that the compensation awarded by the Tribunal is excessive.

8. Therefore, the contention of the Appellant/ Transport Corporation in this Appeal that the quantum of compensation awarded by the Tribunal is excessive is unsustainable. The compensation awarded by the Tribunal under various heads is also a just compensation in the considered view of this Court.

9. For the foregoing reasons, this Court does not find any merit in this Appeal. Accordingly, this Appeal is dismissed. The Appellant Transport Corporation is directed to deposit the award amount as assessed by the Tribunal along with interest from the date of claim till the date of deposit and cost after deducting the amount already deposited if any to the credit of MCOP.No.63 of 2011 within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit being made, the Tribunal is directed to transfer the award amount along with accrued interest to the bank accounts of the respondents through RTGS as per the apportionment made by him within a period of two weeks thereafter. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

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To

The Motor Accident Claims Tribunal,
Additional District & Sessions Court,
Vellore.

Copy To

The Section Officer,
VR Section, High Court,
Chennai.

+1cc to Mr.C.S.K.Sathiesh, Advocate SR.No.26651

C.M.A.No.1446 of 2013

SS (CO)
GMY (07/09/2020)

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