

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.1962 of 2013

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M.P.No.1 of 2013

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
(Kancheepuram Division), III,
No.3/137, Salamedu, Vazhudhareddy,
Villupuram - 605 602. Appellant/Respondent

vs.

1.S.Kamatchi
2.S.Hariram (Minor)
(Minor rep by his Mother and natural
guardian Ist Respondent herein) ... Respondents/Petitioners

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and decree dated 05.09.2012 made in MCOP.No.3344 of 2009 on the file of the Motor Accident Claims Tribunal, Chief Judge, Small Causes Chennai.

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

For Respondents : Mr.A.A.Venkatesan

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 05.09.2012 passed by the Motor Accident Claims Tribunal (Chief Judge, Small Causes Court, Chennai) in MCOP.No.3344 of 2009.

2. The Appellant/Transport Corporation has preferred this Appeal primarily challenging the quantum of compensation awarded by the Tribunal under the impugned Award. The Tribunal under the impugned Award has awarded a sum of Rs.6,99,568/- as compensation to the claimants as detailed hereunder:

Heads	Award Amount (Rs.)
Loss of pecuniary benefits	6,55,200/- (4500 + 30% = 5850 - 1/3 = 3900 x 12 x 14)
Loss of consortium	10,000/-
Loss of love and affection	10,000/-
Funeral expenses	10,000/-
Medical expenses	14368/-
Total	6,99,568/-

3. A person by name B.R.Sankar died on 20.08.2009 as a result of an accident which took place on 18.08.2009, caused by a bus owned by the Appellant/Transport Corporation. The respondents/claimants are his legal representatives and they preferred a claim before the Motor Accident Claims Tribunal in MCOP.No.3344 of 2009 seeking compensation for the death of B.R.Sankar.

4. The Motor Accident Claims Tribunal under the impugned award has directed the Appellant/Transport Corporation to pay the respondent the aforesaid sum together with interest and costs.

5. The deceased was working as a clerk in a private concern. In the claim petition, the respondents have claimed that the deceased was employed with Seenu Transport, Periamet, Chennai earning a monthly income of Rs.10,000/-at the time of the accident.

6. Before the Tribunal, the respondents/claimants have filed six documents which were marked as Ex.P1 to Ex.P6 and two witnesses were examined on their side namely the wife of the deceased as PW1 as well as an eyewitness to the accident as PW2. On the side of the Appellant Transport Corporation, only one witness was examined and no document was filed.

7. Since the respondents did not produce any documentary evidence to show that the deceased was earning Rs.10,000/- per month, the Tribunal under the impugned Award has assessed the monthly income of the deceased on notional basis at Rs.4,500/-. After giving due consideration to the year of the accident which took place in the year 2009, this Court is of the considered

view that the assessment of notional monthly income of the deceased by the Tribunal is a correct assessment. The Tribunal has also awarded loss of future prospects to the respondents/claimants under the impugned award.

8. The compensation awarded by the Tribunal as indicated earlier in this judgment is a just compensation in the considered view of this Court. There is no scope for interference for any reduction as claimed by the Appellant in this Appeal.

9. For the foregoing reasons, there is no merit in this Appeal. Accordingly, this Appeal is dismissed. No costs.

10. It is represented by the learned counsel for the Appellant that the entire award amount has already been deposited to the credit of MCOP.No.3344 of 2009 on 22.12.2014. Hence, the Tribunal is directed to transfer the respective share of the award amount along with accrued interest to the bank account of the first respondent as per the ratio apportioned by him through RTGS within a period of two weeks from the date of receipt of a copy of this Judgment. Since the second respondent is a minor, the Tribunal is directed to deposit his respective share of the award amount along with accrued interest in interest bearing fixed deposit in any one of the nationalised bank within a period of two weeks from the date of receipt of a copy of this Judgment. The first respondent who is the mother of the minor second respondent is permitted to withdraw the interest once in six months till he attains majority for the welfare of the minor. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

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Sub Assistant Registrar

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To

1.The Chief Judge,
Motor Accident Claims Tribunal,
Small Causes Court,
Chenani.

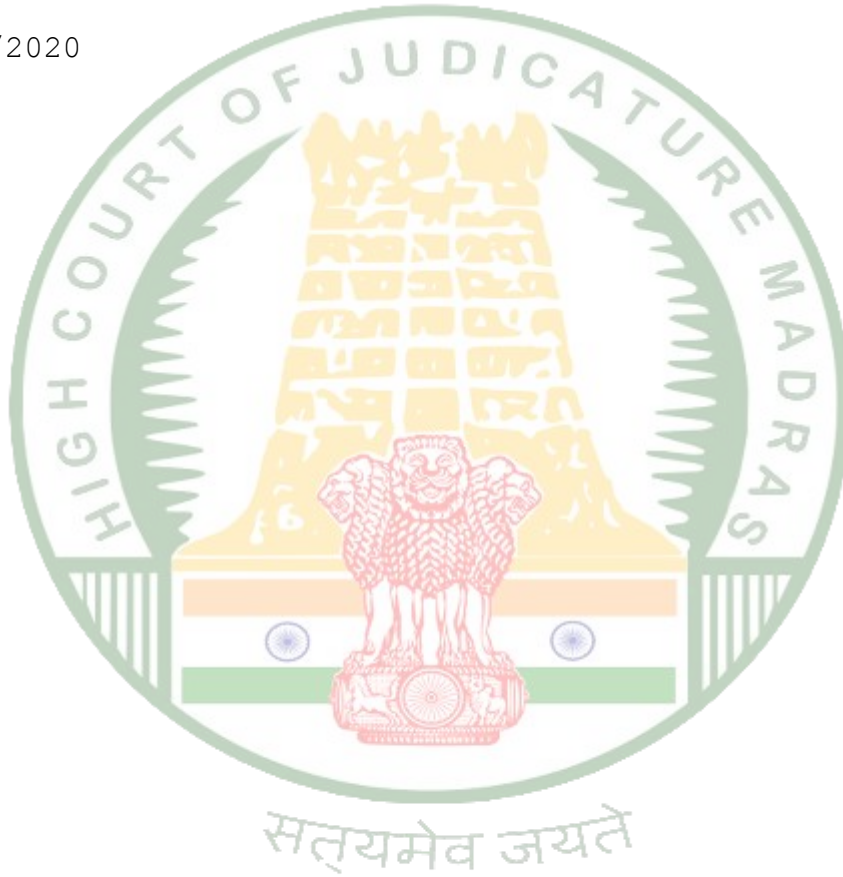
2.The Section Officer,
VR Section, High Court,
Chennai.

+1cc to Mr.A.A.Venkatesan, Advocate Sr.26783

+1cc to Mr.C.S.K.Sathish, Advocate Sr.26652

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srg 19/12/2020



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