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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2020

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THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.3449 of 2011

and

M.P.No.1 of 2011

(Through Video Conferencing)

The Managing Director,
Tamil Nadu State Transport
Corporation (Salem II Division) Limited,
Bharathipuram, Dharmapuri - 5. ... Appellant/Respondent

Vs.

1.Venkatesappa
2. Sudhamma ... Respondents/Petitioners

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree in M.C.O.P.No.1099 of 2008, dated 10.06.2010, on the file of the Motor Accidents Claims Tribunal, Principal District Judge, Krishnagiri.

For Appellant : Mr.Kathiresan
for Mr.D.Raghu

For Respondents: Mr.K.Prasanna
for Mr.M.Sriram

JUDGMENT

The State Transport Corporation is the appellant in this appeal. It is aggrieved by the impugned Judgment & decree dated 10.06.2010 passed by the Motor Accidents Claims Tribunal, Principal District Judge, Krishnagiri in M.C.O.P.No.1099 of 2008.

2. By the impugned Judgment and Decree, the Tribunal has awarded a sum of Rs.3,41,740/- as compensation payable to the respondents/claimants, together with interest at 6% per annum from the date of filing of the claim petition amounting to Rs.3,41,740/-.



3. In this appeal, the appellant/State Transport Corporation submits that the Tribunal has not made any quantification and has simply awarded a sum of Rs.1,50,000/- towards pecuniary loss, Rs.75,000/- towards non-pecuniary loss, Rs.75,000/- towards future prospects and Rs.27,740/- towards medical expenses and other amounts under conventional heads.

4. The learned counsel for the respondents/claimants defends the impugned Judgment and Decree and submits that even if the Tribunal considered the notional income and fixed the compensation as was done in the case of V.Mekala Vs. Malathi and Another, (2014) 11 SCC 178, the compensation to be awarded will be much higher than what has been awarded.

5. Heard the learned counsel for the appellant and the respondents.

6. Since the deceased was 15 years old at the time of accident and died on 02.12.2007, I am of the view, it would be appropriate to consider a notional income of the deceased as Rs.3,000/- considering the date of the accident. On the aforesaid amount, 40% has to be added towards future prospects and 50% has to be deducted towards personal expenses of the deceased. The respondents/claimants have spent a sum of Rs.27,740/- towards medical expenses to the deceased.

7. Though the Tribunal has awarded the aforesaid compensation, the compensation awarded by the Tribunal has to be re-quantified and proper multiplier has to be applied in the light of the decision of the Hon'ble Supreme Court rendered in the following cases:-

(i) Sarla Verma (Smt) and Others Vs. Delhi Transport Corporation and Another, (2009) 6 SCC 12.

(ii) National Insurance Co. Ltd. Vs. Pranay Sethi and Others, (2017) 16 SCC 680.

(iii) Magma Insurance Company Limited Vs Nanuram @ Chuhruram and others, (2018) 18 SCC 130.

8. In the light of the above, the compensation awarded by the Tribunal is re-quantified as follows:-

Towards Loss of Income = Rs.3000/-

(by considering the age 15 years as per V.Mekala Vs. Malathi and Another, (2014) 11 SCC 178)

Future Prospects = 40% add

50% deduction ($\frac{1}{2}$) towards personal expenses of the deceased as per National Insurance Co. Ltd. Vs. Pranay Sethi and Others, (2017) 16 SCC 680.



Proper Multiplier 18 as per Sarla Verma (Smt) and Others Vs. Delhi Transport Corporation and Another, (2009) 6 SCC 12.

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(i) Loss of dependency (Per Annum)

= Rs.3000/- +Rs.1200/- (Rs.3000/-x40%)

= Rs.4200/-

= Rs.4200/-x12x18*x1/2**

= Rs.4,53,600/-

(* Proper Multiplier of 18)

(**1/2 deduction towards personal expenses of the deceased)

(ii) Transportation = Rs.5,000/-

Sl. No.	Heads of Compensation	Amount Awarded by the Tribunal	Amount awarded by this Court	Award Confirmed or enhanced or granted or reduced
1.	Loss of Dependency	---	Rs.4,53,600/-	Granted
2.	Pecuniary Loss	Rs.1,50,000/-	----	----
3.	Non-Pecuniary Loss	Rs.75,000/-	----	----
4.	Future Prospects	Rs.75,000/-	----	----
5.	Medical Expenses	Rs.27,740/-	Rs.27,740/-	confirmed
6.	Attender Charges	Rs.3,000/-	Rs.3,000/-	Confirmed
7.	Nutrition	Rs.2,000/-	Rs.2,000/-	Confirmed
8.	Transportation	Rs.6,000/-	Rs.5,000/-	Reduced
9.	Funeral Expenses	Rs.3,000/-	Rs.3,000/-	Confirmed
	Total	Rs.3,41,740/-	Rs,4,94,340/-	Enhanced by Rs.1,52,600/-

9. In the result, the Civil Miscellaneous Appeal filed by the State Transport Corporation is disposed of, since the additional amount of compensation has to be paid by the



appellant/State Transport Corporation by directing the respondents/claimants to pay deficit court fee at 6% interest on the enhanced amount of compensation.

10. The appellant/State Transport Corporation is therefore directed to deposit a sum of Rs.4,94,340/- (Rs.3,41,740/- + Rs.1,52,600/-) after deducting amount already deposited by it together with interest at 6% per annum from the date of numbering of the claim petition till the date of such deposit, less any amount already deposited within a period of six weeks from the date of receipt of a copy of this Judgment.

11. On such deposit being made by the appellant/State Transport Corporation, the respondents/claimants are permitted to withdraw the same together with interest accrued thereon, less the amount already withdrawn if any, by filing suitable application before the Tribunal. No cost. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

arb

To:

The Principal District Judge,
Motor Accidents Claims Tribunal,
Krishnagiri.

Copy to

The Section Officer,
VR Section High Court, Madras.

+1cc to Mr.D.Raghu, Advocate Sr.37462
+1cc to Mr.Mukund R.Pandiyan, Advocate Sr.37444

C.M.A.No.3449 of 2011
and
M.P.No.1 of 2011

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srg 30/04/2021