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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2020

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

C.M.A.No.1072 of 2018

1. V.Jayalakshmi
2. V.Suresh Babu
3. V.Sasikumar (minor)
(Minor rep.by his mother & NG V.Jayalakshmi)
...Appellants/Petitioners

vs.

The Managing Director,
Metropolitan Transport Corporation Ltd.,
Pallavan Salai,
Chennai - 600 002.
...Respondent/Respondent

Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, for enhancement of compensation against the judgment and decree dated 29.01.2018 and made in M.C.O.P.No.2952 of 2014 on the file of the Motor Accident Claims Tribunal, Special Sub Court - 1, Small Causes Court, Chennai.

For Appellants : Mr.A.N.Viswanatha Rao

For Respondent : Dr.S.S.Swaminathan

JUDGMENT

This appeal is preferred by the appellants/claimants against the award of a sum of Rs.11,85,000/- towards compensation for the death of one R.Venkatesan in a motor vehicle accident.

2.The case in brief, is as follows:

On the fateful day, ie. on 09.03.2014, at about 17.00 hours, the deceased Venkatesan was travelling as a passenger in the MTC bus bearing Registration No.TN 01 N 4560 belonging to the respondent Transport Corporation and when he was getting down from the bus at Sunnambu Kolathur Radial Road, near Pallavaram, Chennai, without noticing the same, the driver of the bus



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started the bus suddenly. Due to the same, the deceased fell down on the road and sustained fatal injuries and died. The wife and sons of the deceased, being the surviving legal heirs, filed a claim petition before the Tribunal, seeking compensation of Rs.20,00,000/-. On consideration of the materials and evidence available on record, the Tribunal has awarded a total compensation of Rs.11,85,000/- 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 compensation.

3.The learned counsel for the appellants has submitted that when the deceased was earning Rs.8,000/- by way of House Keeping Services, the Tribunal has erred in taking his income only at Rs.7,000/- per month. Further he submitted that the Tribunal ought to have determined the compensation towards future prospects of the deceased as per the ruling of the Apex Court. It is also submitted that the amounts awarded towards loss of consortium, loss of love and affection and funeral expenses are meagre and hence, the compensation awarded by the Tribunal needs interference at the hands of this Court by way of enhancement.

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.The details of the compensation awarded by the Tribunal are as under:

HEADS	AMOUNT (Rs.)
Loss of dependency	9,10,000/-
Loss of consortium	40,000/-
Loss of love and affection	2,00,000/-
Loss of estate	15,000/-
Transport charges	5,000/-
Funeral expenses	15,000/-

TOTAL...	11,85,000/- =====



7. In respect of loss of dependency, the Tribunal has relied upon the exhibits, evidence of witnesses, judgment of the Hon'ble Supreme Court in the case of Sarla Verma and others v. Delhi Transport Corporation and another, reported in (2009) 4 MLJ (SC) 997 and also taken note of the II Schedule of the Motor Vehicles Act and all other aspects in a proper perspective and has awarded a sum of Rs.9,10,000/-. Since the claimants have lost their father at their younger ages, the Tribunal has awarded a sum of Rs.2,00,000/- towards loss of love and affection. Further the Tribunal has awarded reasonable sums towards other heads.

8. In view of the above, the compensation awarded by the Tribunal at Rs.11,85,000/- with interest at the rate of 7.5% per annum from the date of petition, is confirmed and the Civil Miscellaneous Appeal is dismissed. No costs. The respondent / Transport Corporation is directed to deposit the compensation amount awarded by the Tribunal, along with interest and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this judgment. The third appellant minor would have attained majority by now. Hence on such deposit being made, all the claimants are permitted to withdraw their respective shares on making proper application before the Tribunal.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

The Motor Accident Claims Tribunal,
The Special Sub Court - 1,
Small Causes Court, Chennai.

Copy To

The Section Officer,
V.R.Section, Madras High Court,
Chennai 104.

+1cc to M/s.S.S.Swaminathan, Advocate, S.R.No.29579

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PP(CO)

RG(03/09/2021)