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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2020

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THE HONOURABLE MR. JUSTICE S.S.SUNDAR

C.M.A. No.65 of 2017

1.Tamilselvi
2.Gunasekaran

... Appellants/Claimants

Vs

The Managing Director,
Tamil Nadu State Transport Corporation
Coimbatore Limited,
No.37, Mettupalayam Raod,
Coimbatore at Erode - 638 001.

...Respondent/Respondent

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 22.09.2015, made in M.C.O.P. No.1524 of 2014 on the file of the Motor Accident Claims Tribunal (Special District Court), Salem.

For Appellants : Mr. M.Guruprasad

For Respondent : Mr. Arun
for A.Sundaravadanam

JUDGMENT

This appeal is preferred by the claimants as against the award of Motor Accident Claims Tribunal in M.C.O.P. No.1524 of 2014 for enhancement of compensation.

2. The petitioners are the parents of the deceased who met with an accident. On 29.07.2014, while the deceased was travelling in a motor cycle met with an accident and died. The Tribunal after finding that the accident occurred due to rash and negligent driving of the driver of the offending vehicle, awarded a sum of Rs.10,77,000/- as against the claim for Rs.40,00,000/-. Aggrieved by the quantum, the parents of the deceased preferred the above appeal.

3. Learned counsel for the appellants submitted that the Tribunal failed to consider the loss of income taking into



account the educational qualification of the deceased. It is stated that the deceased had completed Engineering course and that his notional income can be taken as Rs.20,000/- per month. Learned counsel further submitted that the income fixed by the Court below is not correct. It now admitted before this Court that the deceased though completed the Engineering course, had not obtained the degree. It is fairly conceded before this Court by the learned counsel for the appellants that the deceased had eleven arrears. It was suggested that the deceased was undergoing technical course namely ITI and that therefore his future prospects must be weighed at laest on the basis that he had completed training course in Radiographic testing.

4. Considering the fact that the accident occurred in the year 2014, this Court is of the view that a sum of Rs.12,000/- can be fixed as notional income of the deceased. Since the deceased is unmarried 50% has to be deducted. Even though future prospect can be added at 50% considering the fact that the deceased was not employed at the time of accident, this Court deems it fit to grant 40% hike towards future prospect. Accordingly, the claimants are entitled to a sum of Rs.18,14,400/- towards loss of income. The Tribunal has already give a sum of Rs.40,000/- towards consortium and granted further a sum of Rs.25,000/- towards funeral expenses. This Court is of the view that claimants are entitle to a further sum of Rs.5,000/- towards transport and a another sum of Rs.15,000/- towards loss of estate. Therefore, this Court enhance the award of Tribunal from Rs.10,77,000/- to Rs.18,99,400/-. The respondent is directed to pay a sum of Rs.18,99,400/- (Rupees Eighteen Lakh Ninety Nine Thousand Four Hundred only) in all as compensation to the respondents within a period of four weeks from the date of receipt of a copy of this judgment, deducting the amount already deposited, if any, along with interest at the rate of 7.5% per annum from the date of claim petition till the date of realization. On such deposit, the appellants are entitled to withdraw the same. The appellants are directed to pay additional Court fee as the memorandum of appeal indicate that the appellants have paid Court fee only for a sum of Rs.14,00,000/-.

5. The Civil Miscellaneous Appeal is allowed and the award of Motor Accident Claims Tribunal (Special District Court), Salem, in M.C.O.P. No.1524 of 2014 is modified to the extent indicated above. No costs.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar



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To

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The Special District Court, Salem.
(The Motor Accident Claims Tribunal)

+1cc to Mr.M.Guruprasad, Advocate, S.R.No.43054

C.M.A. No.65 of 2017

MG (CO)
CB (03/09/2021)