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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.Nos.1943, 1945 & 1946 of 2021
and C.M.P.Nos.10469, 10474 & 10476 of 2021

The Managing Director,
Tamil Nadu State Transport Corporation (VPM) Ltd.,
Villupuram Division - I,
Villupuram.

.. Appellant in all the CMAs/
Petitioner in all CMA

Vs.

K.Sivakumar

.. Respondent in C.M.A.No.1943/2021

1. K.Seenu
2. Minor Nandhin,
3. Minor Karithika
4. Minor Ragavan
(R2 to R4 rep by their
NF & NG, R1)

..Respondents/Petitioners
in C.M.A.No.1945/2021

Minor Ragavan
(Respondent rep by his NF &
NG Mr.K.Seenu)

.. Respondent/Petitioners
in C.M.A.No.1946/2021

Prayer in all the CMAs: Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicles Act, 1989 seeking to set aside the judgment and decree dated 30.01.2020 made in M.C.O.P.No.233 of 2017, M.C.O.P.No.259 of 2017 and M.C.O.P.No.255 of 2017 respectively on the file of Motor Accident Claims Tribunal, Special Subordinate Court, Tiruvannamalai.

For Appellant : Mr.K.J.Sivakumar
in all the CMAs

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COMMON JUDGMENT

(The case has been heard through video conference)

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These appeals have been filed by the Transport Corporation challenging the quantum of compensation awarded by the Motor Accidents Claims Tribunal, Special Subordinate Court, Tiruvannamalai in the common award dated 30.01.2020, passed in M.C.O.P.Nos.233, 259 and 255 of 2017.

2. M.C.O.P.Nos.233 and 259 of 2017 are fatal accident claims. In M.C.O.P.No.233 of 2017, the deceased was aged 22 years old and the deceased in M.C.O.P.No.259 of 2017, was aged 25 years old. M.C.O.P.No.255 of 2017, pertains to the claim made by a 7 days old baby for the injuries sustained by him. Both the deceased were labourers. The Tribunal under the impugned award directed the appellant transport corporation to pay the respective claimants compensation as detailed hereunder:

M.C.O.P.No.233 of 2017

S1. No.	Heads	Amount in Rs.
1.	Loss of Income	9,82,800
2.	Loss of consortium	40,000
3.	Loss of estate	15,000
4.	Funeral expenses	15,000
	Total	10,52,800

M.C.O.P.No.259 of 2017

S1. No.	Heads	Amount in Rs.
1.	Loss of Income	14,74,200
2.	Loss of consortium	40,000
3.	Loss of love and affection to R2 to R4 (30,000 x 3)	90,000
4.	Loss of estate	15,000
5.	Funeral expenses	15,000
	Total	10,52,800



M.C.O.P.No.255 of 2017

Sl. No.	Heads	Amount in Rs.
1.	Lump sum compensation	35,000
	Total	35,000

3. The cause of the accident has not been disputed by the appellant transport corporation. In these appeals, they have only disputed the quantum of compensation awarded by the Tribunal to the respective claimants. The accident happened on 03.12.2016. In the claim petitions filed by the dependents of the deceased, they have pleaded that the respective deceased was earning Rs.9,000/- p.m. According to the claimants, the deceased were building workers. In M.C.O.P.No.233 of 2017, the deceased was aged 22 years and in M.C.O.P.No.259 of 2017, the deceased was aged 25 years. In M.C.O.P.No.255 of 2017, the injured victim was a seven day old baby. In so far as the fatal accident case claimants are concerned, the Tribunal has fixed the notional monthly income of the deceased at Rs.6,500/-. The accident happened in the year 2016, after giving due consideration to the year of the accident, this Court is of the considered view that the assessment of the notional monthly income of the deceased at Rs.6,500/- cannot be considered to be excessive in both the fatal accident cases. The Tribunal has adopted the correct multiplier of 18, since the respective deceased were aged 22 years and 25 years respectively. Only by adopting the correct multiplier and by assessing the correct monthly income, the Tribunal has assessed the loss of dependency to the claimants in M.C.O.P.Nos.233 & 259 of 2017.

4. In so far as M.C.O.P.No.233 of 2017 is concerned, the Tribunal has assessed the loss of income at Rs.9,82,800/- and has also added loss of future prospectus, which is the correct assessment and therefore the same is confirmed by this Court. So far as the award of compensation of Rs.40,000/- towards loss of consortium, Rs.15,000/- towards loss of estate and Rs.15,000/- towards funeral expenses for the claimants in M.C.O.P.No.233 of 2017, it cannot be considered to be excessive as alleged by the appellant transport corporation and therefore, the same is also confirmed by this Court. The total compensation awarded by the Tribunal to the claimants in M.C.O.P.No.233 of 2017 at Rs.10,52,800/- cannot be considered to be excessive as alleged by the appellant transport corporation and therefore the same is confirmed by this Court.



5. In so far as M.C.O.P.No.259 of 2017 is concerned, which is also a fatal accident claim, the Tribunal similarly as assessed the notional monthly income at Rs.6,500/- for the deceased who is also a building worker. The Tribunal has also adopted the correct multiplier of 18 and also rightly awarded loss of future prospects at 40% and only thereafter has assessed the loss of income to the claimants in M.C.O.P.No.259 of 2017 at Rs.14,74,200/- and the same is confirmed by this Court. So far as the award of compensation of Rs.40,000/- towards loss of consortium, Rs.90,000/- towards loss of love and affection, Rs.15,000/- towards loss of estate and Rs.15,000/- towards funeral expenses for the claimants in M.C.O.P.No.259 of 2017, it cannot be considered to be excessive as alleged by the appellant transport corporation and therefore, the same is also confirmed by this Court. The total compensation awarded by the Tribunal to the claimants in M.C.O.P.No.233 of 2017 at Rs.16,34,200/- cannot be considered to be excessive as alleged by the appellant transport corporation and therefore the same is also confirmed by this Court.

6. So far as the compensation awarded by the Tribunal for the injured victim who is a seven days old baby in M.C.O.P.No.255 of 2017 is concerned, the Tribunal has awarded a lump sum compensation of Rs.35,000/- after giving due consideration to the nature of injuries sustained by the claimant. This Court does not find any infirmity in the findings of the Tribunal and the same is also confirmed by this Court.

7. For the foregoing discussions, there is no merit in the appeals and accordingly all the appeals are dismissed and the impugned orders dated 30.01.2020 made in M.C.O.P.No.233 of 2017, M.C.O.P.No.259 of 2017 and M.C.O.P.No.255 of 2017 respectively on the file of Motor Accident Claims Tribunal, Special Subordinate Court, Tiruvannamalai are hereby confirmed. The appellant transport corporation is directed to deposit the award amount 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 to the credit of M.C.O.P.Nos.233, 259 and 255 of 2017 respectively, on the file of the Motor Accident Claims Tribunal, Special Subordinate Court, Tiruvannamalai. On such deposit of the compensation amount, the claimants are permitted to withdraw their respective award amount as directed by the Tribunal along with interest and costs, less the amount, if any, already withdrawn by making necessary applications before the Tribunal. So far as the amount awarded to the minor claimants are concerned, the amount should be deposited in a fixed deposit in a nationalised bank as directed by the Tribunal and the



accrued interest shall be withdrawn as directed by the Tribunal.
Consequently, the connected miscellaneous petitions are closed.
No costs.

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Sd/-

Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

kk

To

1. The Special Subordinate Judge,
Motor Accident Claims Tribunal,
Tiruvannamalai.

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

+3cc to Mr.K.J.Sivakumar, Advocate SR.No.51666 to 51668

C.M.A.Nos.1943, 1945 & 1946 of 2021
and C.M.P.Nos.10469, 10474 & 10476 of 2021

PP(CO)
CB(08/12/2021)