



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A. No. 1427 of 2017

and

CMP No.7581 of 2017

The Managing Director,
Tamil Nadu State Transport Corporation,
Railway Station Road,
Kumbakonam Town and Munsif.

...Appellant/Respondent

Vs

Somasundaram

...Respondent/Petitioner

Prayer:

The Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree dated 22.12.2015 made in M.C.O.P.No. 130 of 2010 on the file of the Motor Accident Claims Tribunal, Mannarkudi.

For Appellants : Mr. D. Venkatachalam

For Respondent : No Appearance

JUDGMENT

This appeal has been filed by the Transport Corporation challenging the quantum of compensation awarded by the Tribunal to the respondent/claimant under the impugned award dated 22.12.2015 passed by the Motor Accidents Claims Tribunal, Mannarkudi in M.C.O.P. No. 130 of 2010 .

2. The only contention raised by the appellant Transport Corporation in this appeal is that the Tribunal has erroneously fixed the notional monthly income of the deceased at Rs.6,000/- (Rupees Six Thousand only) and has also awarded higher compensation under various heads.

3. The Tribunal under the impugned award has directed the appellant Transport Corporation to pay a compensation of Rs.10,13,000/- (Rupees Ten lakhs Thirteen Thousand only) to the



respondent/claimant as detailed here under:-

Heads	Amount awarded by the Tribunal (Rs.)
Loss of income	9,18,000/-
Loss of love and affection	60,000/-
Transportation	10,000/-
Funeral Expenses	25,000/-
Total compensation	10,13,000/-

4. The respondent/claimant is the father of the deceased Saravanan, who died on 08.02.2010 as a result of an accident caused by a bus owned by the appellant Transport Corporation. The cause of the accident has not been disputed by the appellant Transport Corporation as seen from the evidence available on record.

5. The only contention raised by the appellant Transport Corporation is that the quantum of compensation awarded by the Tribunal is excessive. The respondent/claimant, in his claim petition filed before the Tribunal, has pleaded that the deceased/his son was aged 25 years and was a contractor and self employed person, earning a monthly income of Rs.10,000/- (Rupees Ten Thousand only) at the time of the accident. However, since, no documentary evidence was produced by the respondent/claimant in support of his plea, the Tribunal has assessed the age of the deceased at 28 years, based on the post mortem certificate, which has been marked as Ex.P2 and has fixed the notional monthly income of the deceased at Rs.6,000/- (Rupees Six Thousand only). The accident happened in the year 2010.

6. This court is of the considered view that the accident is of the year 2010, the fixation of the notional monthly income of the deceased by the Tribunal at Rs.6,000/- is low. However, the Tribunal has awarded a higher compensation towards loss of love and affection at Rs.60,000/- (Rupees Sixty Thousand only) instead of Rs.40,000/- and also awarded a higher compensation towards funeral expenses at Rs.25,000/- (Rupees Twenty Five Thousand only) instead of Rs.15,000/- as per the settled law.

7. The Tribunal has adopted the correct multiplier of "17" for assessing loss of dependency of the deceased.

8. After giving due consideration to the overall compensation awarded by the Tribunal at Rs.10,13,000/- (Rupees



Ten Lakhs Thirteen Thousand only), this Court is of the considered view that even though under certain heads, the Tribunal has awarded higher compensation, the overall compensation of Rs.10,13,000/- cannot be considered to be excessive as alleged by the appellant Transport Corporation.

9. For the foregoing reasons, there is no merit in this Civil Miscellaneous Appeal. Accordingly this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

10. The appellant/Transport Corporation is directed to deposit the compensation amount awarded by the Tribunal, after deducting the amount already deposited if any, together with interest at the rate of 7.5% per annum from the date of claim till the date of deposit and costs, to the credit of MCOP.No.1427 of 2017 within a period of four weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the Tribunal shall transfer the amount lying to the credit of MCOP.No.1427 of 2017 to the bank account of the claimant through RTGS within a period of one week thereafter.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sr/rgi

To

1. The Motor Accident Claims Tribunal,
Mannarkudi.

2. The Section Officer,
V.R.Section,
High Court, Madras.

+1cc to Mr.D.Venkatachalam, Advocate SR.No.47471

+1cc to Mr.Swamisubramanian, Advocate SR.No.47949

C.M.A.No. 1427 of 2017

PMK (CO)
GN(06/12/2021)