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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2021

CORAM:

THE HON'BLE Mr. JUSTICE D.KRISHNAKUMAR

Civil Miscellaneous Appeal No.451 of 2011
and
M.P.No.1 of 2011

The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
Villupuram Division, Vellore Region,
Koyambedu Branch, Chennai-600107.

... Appellant/Respondent

..vs..

1.A.Arulmani
2.A.Beaula
3.E.Gnanaprakasam,
4.G.Kitheriammal,
5.A.Edal Queen

... Respondents/Appellants

Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and decree dated 16.04.2010 made in M.C.O.P.No.70 of 2009 on the file of Subordinate Judge (Motor Accidents Claims Tribunal), Poonamallee.

For Appellant : Mr.C.S.K.Sathish

For Respondents 1 to 5 : Notice unserved

JUDGMENT

Brief facts of the claimant's case is as follows:

It is the case of the claimant that on 03.01.2009 at about 7.45 a.m, the deceased-Arokkiasamy was traveling in his bicycle from Guindy to Ashok Nagar, on J.N. 100 feet road near Balaji Nagar 1st Cross Junction at Ekkattuthangal, the Appellant/Transport corporation bus bearing no. TN-23-N-1950,



which was driven by its driver in a rash and negligent manner and hit the deceased. Due to the accident, the deceased sustained fatal injuries and died on the way to Hospital. The legal heirs of the deceased have filed claim petition before the tribunal, claiming compensation of Rs.10,00,000/- from the appellant Transport Corporation for the death of Arokkiyasamy in the aforesaid accident.

2. Before the Tribunal, witnesses P.W.1 & P.W.2 were examined and Exhibits P1 to P4 were marked on the side of the claimants. On the side of the respondents, R.W.1 was examined and no document was marked. After analyzing both oral and documentary evidences, the Tribunal has awarded Rs.8,87,056/- as total compensation along with interest at the rate of 7.5% p.a from the date of petition till realization. The total compensation awarded by the tribunal under various heads are as follows:

Heads	Amount in Rs.
Loss of Dependency (Rs.5,526/- x 12 x13)	8,62,056/ -
Loss of Consortium	10,000/-
Loss of Love & Affection	10,000/-
Funeral Expenses	5,000/-
Total	8,87,056/-

3. The instant appeal is filed by the appellant/Transport Corporation challenging the quantum of compensation awarded by the tribunal. Such award is passed without any basis and the same is required to be modified by this Court.

4. On perusal of the records, the claimants filed salary certificate before the tribunal and the same was marked as Ex.P4. As per Ex.P4, monthly income of the deceased is Rs.7,368/- and after deducting 1/4th towards personal expenses, the tribunal arrived Rs.5526/- as the monthly income contributed to his family and considering the age of the deceased i.e. 50 years, as per Sarala Varma case, the tribunal rightly adopted 13 multiplier and awarded Rs.8,62,056/- towards loss of income. Therefore, the tribunal has rightly fixed the monthly income of the deceased and awarded compensation towards loss of income. Insofar as other heads also, the tribunal has awarded just and reasonable compensation to the claimants. Considering at any angle, there is no ground to interfere with the award passed by the tribunal.



5. The appellant/Transport corporation shall deposit the compensation amount, as awarded by the tribunal, along with interest at the rate of 7.5% per annum from the date of petition till the date of deposit, less the amount already deposited, if any, within a period of twelve weeks, from the date of receipt of a copy of this judgment. On such deposit being made by the appellant/Transport Corporation, the claimants/respondents are permitted to withdraw the amount by filing appropriate application.

6 In the result, the Civil Miscellaneous Appeal is dismissed. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. The Subordinate Judge
(Motor Accidents Claims Tribunal),
Poonamallee.

CMA.No.451 of 2011
and
M.P.No.1 of 2011

SMI (CO)
SU (07/10/2021)