



3. This Court has perused the materials and evidence available on record before the Tribunal.

4. A person by name B. Manickam aged 23 years, died on 28.12.2010, as a result of an accident caused by a bus owned by the appellant Transport Corporation. The deceased was a Mason at the time of the accident. In the claim petition, the claimants, who are the parents of the deceased have pleaded that the deceased was earning Rs.9,000/- per month at the time of the accident. However, the Tribunal has assessed the notional monthly income of the deceased at Rs.5,000/-. The accident having happened in the year 2010, this Court is of the considered view that the fixation of the notional monthly income of the deceased at Rs.5,000/- cannot be considered to be excessive as alleged by the Transport Corporation.

5. The Tribunal has also adopted the wrong multiplier of 13, by taking into consideration, the age of the mother of the deceased which is incorrect. The Tribunal ought to have taken into consideration the age of the deceased who was 23 years at the time of the accident, for the purpose of applying the multiplier. If the age of the deceased was taken into consideration, the correct multiplier would have been 18.

6. The Tribunal has also failed to award any loss of future prospects to the appellants / claimants even though they are legally entitled to as per the settled law. Therefore, the overall compensation of Rs.4,02,000/- awarded by the Tribunal cannot be considered to be excessive as alleged by the appellant / Transport Corporation

7. For the foregoing reasons, this Court does not find any merit in this appeal and the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

8. The Appellant / Transport Corporation is directed to deposit the entire award amount awarded by the Tribunal together with interest at 7.5% p.a. from the date of claim petition till the date of realization, less the amount, if any, already deposited to the credit of M.C.O.P No.41 of 2011 on the file of the Motor Accidents Claims Tribunal, The Principal District Court, Chengalpattu, within a period of eight weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the Tribunal is directed to transfer the award amount directly to the bank account of the respondents 1 and



2 / claimants through RTGS, within a period of two weeks thereafter as per the ratio of apportionment fixed by the Tribunal.

WEB COPY

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gd/vsi2

To

1. The Principal District Judge,
Motor Accidents Claims Tribunal,
Chengalpattu.

Copy To

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

+1cc to Mr.K.J.Sivakumar, Advocate SR.No.42128

C.M.A.No.1953 of 2016

NK(CO)
GN(26/11/2021)