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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2021

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.663 of 2016
and
C.M.P.No.5449 of 2016

The Managing Director,
Tamilnadu State Transport Corporation,
Villupuram.

... Appellant/Respondent

..Vs..

1.Buveneswari
2.Kathirkamavelu
3.Beraveenkumar

...Respondents/Petitioners

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree passed by the Motor Accident Claims Tribunal, Perambalur in MCOP.No.138 of 2014 dated 23.07.2015.

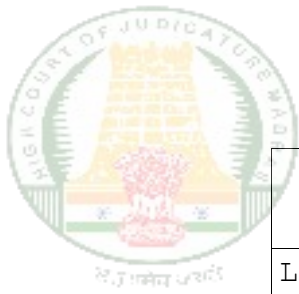
For Appellant : Mr.K.J.Sivakumar

For Respondent 1 : Mr.C.Ashok Kumar
R2 & R3 - not ready in notice

J U D G M E N T

This Civil Miscellaneous Appeal has been filed by the Transport Corporation challenging the award dated 23.07.2015 passed by the Motor Accident Claims Tribunal (Principal District and Sessions Judge, Perambalur) in MCOP.No.138 of 2014.

2. The Appellant Transport Corporation has challenged the impugned award only on the ground that the quantum of compensation awarded by the Tribunal to the claimants is excessive. The Tribunal under the impugned award has directed the Appellant Transport Corporation to pay the respondents/claimants a sum of Rs.8,63,000/- as compensation together with interest and costs as detailed hereunder:



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Heads	Award Amount (Rs.)
Loss of dependency	7,68,000/- (6000 x 1/3 = 4000 x 16 x 12)
Funeral Expenses	10,000/-
Loss of estate	30,000/-
Loss of consortium	50,000/-
Travelling expenses	5,000/-
Total	8,63,000/-

3. Heard Mr.K.J.Sivakumar, learned counsel for the Appellant and Mr.C.Ashok Kumar, learned counsel for the first respondent. Since no adverse orders are going to be passed against the second and third respondents, notice to the second and third respondents is dispensed with by this Court.

4. The respondents/claimants have made the compensation claim for the death of Susinkumar who died as a result of the accident which took place on 09.11.2013 caused by a bus owned by the Appellant Transport Corporation. The respondents/claimants are the wife, father and brother of the deceased respectively and in the claim petition, they have made a claim of Rs.15,00,000/-. However, the Tribunal has awarded only a sum of Rs.8,63,000/- as compensation. In the claim petition, the respondents/claimants had claimed that the deceased was a mason aged 30 years at the time of the accident and was earning Rs.12,000/- per month. However, the Tribunal under the impugned award has fixed the notional monthly income of the deceased at Rs.6,000/-. The accident happened in the year 2013.

5. Before the Tribunal, the respondents/claimants have examined two witnesses namely the wife of the deceased as PW1 and an eye-witness to the accident as PW2. Three documents were also filed on the side of the respondents/claimants namely (a) xerox copy of F.I.R, (b) xerox copy of post-mortem certificate and (c) xerox copy of driving license of one Vadivelu. On the side of the Appellant Transport Corporation, one Mani, the conductor of the bus which caused the accident was examined as RW1 but no document was filed on their side.

6. Postmortem certificate Ex.P2 reveals that the deceased was aged 31 years and the Tribunal has rightly applied the correct multiplier of 16 for the person aged 31 years. Even in



the claim statement, the respondents/claimants have disclosed that the deceased was aged 30 years at the time of the accident. Considering the year of the accident, this court is of the considered view that fixing the notional monthly income of the deceased at Rs.6,000/- by the Tribunal is a correct one. The Tribunal has also awarded Rs.7,68,000/- towards loss of dependency, Rs.10,000/- towards funeral expenses, Rs.30,000/- towards loss of estate, Rs.50,000/- towards loss of consortium and Rs.5,000/- towards travelling expenses to the respondents/claimants. This court is of the considered view that the compensation awarded by the Tribunal is a just compensation and does not call for any interference.

7. For the foregoing reasons, there is no merit in this Appeal. Accordingly, this Civil Miscellaneous Appeal shall stand dismissed. The Appellant Transport Corporation is directed to deposit the entire award amount along with interest and costs as assessed by the Tribunal after deducting the amount already deposited if any to the credit of MCOP.No.138 of 2014 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.138 of 2014 to the bank account of the respondents/claimants through RTGS as per the ratio apportioned by the Tribunal within a period of one week thereafter. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Principal District and Sessions Judge, Perambalur.

2.The Section Officer

V.R.Section, High Court of Madras.

+1cc to Mr.C.Jagadish, Advocate, S.R.No.22706

C.M.A.No.663 of 2016

SM(CO)
CB(06/09/2021)