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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.972 of 2016

and

C.M.A.No.1292 of 2016

1.Kalaivani
2.Ravi
3.Kanchana
4.Uma
5.Sundhar Raj
6.Kannika

... Appellants in C.M.A.No.972 of 2016
and respondents in C.M.A.No.1292 of 2016

..Vs..

The Managing Director,
State Express Transport Corporation,
Pallavan Salai,
Chennai.

...Respondent in C.M.A.No.972 of 2016
and Appellant in C.M.A.No.1292 of 2016

Prayer in C.M.A.No 972 of 2016: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the award dated 08.01.2016 and made in M.A.C.T.O.P.No.2105/2013 on the file of Motor Accident Claims Tribunal, III Judge Small Causes Court, Chennai.

Prayer in C.M.A.No 1292 of 2016: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the Decree and Judgment dated 08.01.2016 made in M.C.O.P.No.2105/2013 on the file of Motor Accident Claims Tribunal, III Small Causes Court, Chennai.

For Appellants in
C.M.A.No.972 of 2016

and for respondents in
C.M.A.No.1292 of 2016 : Mr.F.Terry Chella Raja

For Respondent in
C.M.A.No.972 of 2016
and for Appellant in
C.M.A.No.1292 of 2016 : Mr.K.J.Sivakumar



COMMON JUDGMENT

C.M.A.No 1292 of 2016 has been filed by the Transport Corporation challenging the quantum of compensation awarded to the respondents/claimants under the impugned award dated 08.01.2016 passed by the Motor Accident Claims Tribunal (III Small Causes Court, Chennai) in M.C.O.P.No 2105 of 2013 and C.M.A.No 972 of 2016 has been filed by the claimants challenging the very same award on the ground that the quantum of compensation awarded by the Tribunal is inadequate and it is not a just compensation.

2. Since both the appeals arise out of the same accident and arise out of the same M.C.O.P., both the appeals are disposed of by this common judgment.

3. Heard Mr.F.Terry Chella Raja, learned counsel for the claimants and Mr.K.J.Sivakumar, learned counsel for the Transport Corporation.

4. The Tribunal under the impugned award directed the Transport Corporation who is the appellant in C.M.A.No.1292 of 2016 to pay the claimants a compensation of Rs.9,27,500/- together with interest and costs as detailed hereunder:

Heads	Award amount (Rs.)
Pecuniary loss	6,07,500/- (7500- $\frac{1}{4}$ = 5625 x 12 x 9)
Loss of consortium to the 1 st claimant	50,000/-
Loss of Love and affection to the claimants 2 to 6	2,50,000/-
Funeral expenses	20,000/-
Total	9,27,500/-

5. The claimants are the legal representatives and the dependents of the deceased Ramadoss who died on 20.01.2013 as a result of an accident caused by a bus owned by the Transport Corporation. In the claim petition, the claimants have pleaded that the deceased was a security guard aged 59 years and was earning Rs.10,000/- per month at the time of the accident. The accident happened in the year 2013. The Tribunal has fixed the notional monthly income of the deceased at Rs.7,500/- based on the salary certificate filed by the claimants which was marked as Ex.P17. Hence the said assessment is a correct assessment and



does not call for any interference.

6. The Tribunal has rightly deducted $\frac{1}{4}$ th towards personal expenses of the deceased and the correct multiplier has also been adopted for the assessment of the pecuniary loss. However, the Tribunal has awarded a higher compensation towards loss of love and affection amounting to Rs.2,50,000/-. This Court is of the view that since the Tribunal has failed to award any compensation towards loss of future prospects, transportation and loss of estate, the overall compensation awarded by the Tribunal at Rs.9,27,500/- cannot be considered to be excessive as alleged by the Transport Corporation. Similarly, the claimants who have filed C.M.A.No.972 of 2016 are also not entitled for any enhancement, in view of the fact that the overall compensation awarded by the Tribunal is a correct assessment.

7. For the foregoing reasons, this Court does not find any merit in both the appeals. Accordingly, both the appeals are dismissed. The Transport Corporation who is the Appellant in CMA.No.1292 of 2016 is directed to deposit the amount awarded by the Tribunal together with interest from the date of claim till the date of deposit and costs, after deducting the amount already deposited if any to the credit of MCOP.No.2105 of 2013 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.2105 of 2013 to the bank account of the claimants who are the Appellants in CMA.No.972 of 2016 as per the ratio apportioned by the Tribunal through RTGS within a period of one week thereafter. No costs.

Sd/-

Deputy Registrar (Spl Cell CJ Conf)

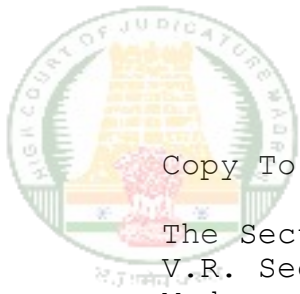
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Sub Assistant Registrar

msv

To

The III Judge Small Causes Court,
Chennai.



Copy To

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

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+1cc to Mr.Malar, Advocate, S.R.No.26924

+1cc to Mr.Sivakumar, Advocate, S.R.No.26914

C.M.A.No.972 of 2016
and C.M.A.No.1292 of 2016

MG (CO)
GN(12/10/2021)