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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2021

CORAM:

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.NO.2795 OF 2021

AND

C.M.P.NO.15935 OF 2021

The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram.

... Appellant/Respondent

.vs.

1. Kaliyamoorthy
2. Kalpana
3. Radhakrishnan
4. Kavitha
5. Palani
6. Annamalai
7. Minor.Thirumalai
Rep.by 1st respondent/father
8. Minor.Vijayalakshmi
Rep.by 1st respondent/father

... Respondents/Petitioners

Prayer:-Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and Decree dated 12.04.2019 made in M.C.O.P. No.97 of 2012 on the file of the Motor Accidents Claims Tribunal, Sub Judge, Panruti.

For Appellant : Mr.J.Lokesh

JUDGMENT

(This case was heard through Video Conferencing)

This Appeal has been filed by the Transport Corporation challenging the award passed 12.04.2019 by the Motor Accident Claims Tribunal, Sub Judge, Panruti in M.C.O.P. No.97 of 2012.

2. Heard Mr.J.Lokesh, learned counsel for the Appellant / Transport Corporation.



3. The Appellant Transport Corporation has challenged the award only on the ground that the quantum of compensation awarded by the Tribunal is excessive.

4. The Tribunal under the impugned Award directed the Appellant Transport Corporation to pay the respondents/claimants a compensation of Rs. 10,30,000/- as detailed hereunder:

Heads	Amount Awarded by the Tribunal in Rs.
Loss of Income	7,80,000/-
Loss of consortium to 1 st petitioner	50,000/-
Loss of love and affection to petitioner 2 to 8 (25,000 x 7)	1,75,000/-
Transport and Funeral expenses	25,000/-
Total	10,30,000/-

5. The Tribunal has fixed the notional monthly income of the deceased at Rs.5,000/-. The accident happened on 23.05.2012. The deceased was a Coolie. In the claim statement the respondents/ claimants have pleaded that the deceased was earning Rs.5,000/- per month which was accepted by the Tribunal under the impugned award. Since the accident happened in the year 2012, this Court is of the considered view that the assessment of the notional monthly income by the Tribunal at Rs.5,000/- cannot be considered to be excessive as alleged by the Appellant Transport Corporation. The deceased was aged 45 years at the time of the accident and the Tribunal has adopted the correct multiplier of 13 while assessing the loss of dependency. The Tribunal has granted 20% towards loss of future prospects which is also a correct assessment. Therefore, the loss of income assessed by the Tribunal at Rs.7,80,000/- cannot be considered to be excessive as alleged by the Appellant Transport Corporation.

6. The Tribunal has awarded a compensation of Rs.50,000/- towards loss of consortium to the first respondent/ first claimant who is the husband of the deceased.

7. The Tribunal has also awarded a compensation of Rs.1,75,000/- (calculated at Rs.25,000/- each) towards loss of love and affection to the remaining respondents/claimants who are the dependents of the deceased which is in accordance with the settled law.



8. The Tribunal has awarded a compensation of Rs.25,000/- towards transportation and funeral expenses which cannot be considered to be excessive as it is in accordance with the settled law.

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9. The over all compensation of Rs.10,30,000/- awarded to the respondents/claimants cannot be considered to be excessive as alleged by the Appellant Transport Corporation.

10. For the foregoing reasons, there is no merit in this appeal. Accordingly, this Civil Miscellaneous Appeal stands dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

11. Accordingly, the Appellant Transport Corporation is directed to deposit the amount awarded by the Tribunal, after deducting the amount already deposited if any, together with interest from the date of claim till the date of deposit and cost, to the credit of M.C.O.P.No.97 of 2012 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 M.C.O.P.No.97 of 2012 to the bank account of the respondents/claimants in the ratio apportioned by the Tribunal through RTGS within a period of two weeks thereafter.

Sd/-
Assistant Registrar (CS IX)

//True Copy//

Sub Assistant Registrar

ab/vsi2

To

1. The Motor Accidents Claims Tribunal,
Sub Judge, Panruti

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

+lcc to Mr.K.J.Sivakumar, Advocate, Sr.No.50741

C.M.A.No.2795 of 2021
and C.M.P. No.15935 of 2021

GMI (CO)
CS/25/11/2021