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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2021

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

CMA No.2253 of 2021
CMP.No.12468 of 2021

The Managing Director,
Tamil Nadu State Transport Corporation,
Arcot. .. Appellant/ Respondent

versus

1. Chinnaponnu
2. Govindaraji
3. Sangeetha
4. Srinivasan
5. Nagaraji ... Respondents/ Petitioners

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act against the judgment and decree dated 26.04.2019 made in MCOP.No.17 of 2017 on the file of the Motor Accident claims Tribunal, II Additional District Judge, Vellore at Ranipet.

For Appellant : Mr.K.J.Sivakumar

JUDGMENT

This appeal has been filed by the appellant/Transport Corporation challenging the award dated 26.04.2019 passed by the MACT, II Additional District Judge, Vellore at Ranipet in MCOP.No.17 of 2017.

2. The appellant has challenged the impugned award only on the ground that the quantum of compensation awarded by the Tribunal to the respondents/claimants is excessive.

3. The Tribunal under the impugned award directed the appellant/transport corporation to pay 75% of the award amount and the details of the award are as follows :-

Heads	Amount awarded by the Tribunal (Rs.)
Loss of Income	12,85,200
Loss of Love and affection	20,000
Funeral and transportation expenses	10,000



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Heads	Amount awarded by the Tribunal (Rs.)
Total	13,15,200

4. Under the impugned award, the Tribunal has given a finding that there is contributory negligence on the part of the Driver of the bus owned by the appellant/transport corporation at 75% and on the part of the deceased who was rider of the motorcycle at 25%.

5. The deceased/Thangaraj.G. was an electrician aged 27years at the time of the accident which happened on 15.08.2016. In the claim petition, the respondents/claimants who are the dependants of the deceased had pleaded that the deceased was earning Rs.15,000/-p.m. at the time of the accident. Under the impugned award, the Tribunal has assessed notional monthly income of the deceased at Rs.9,000/-. After giving due consideration to the age and avocation of the deceased, this Court is of the considered view that the notional monthly income assessed by the Tribunal at Rs.9,000/- is a correct assessment. The Tribunal has awarded compensation towards loss of future prospects to the respondent/claimants at 40% in accordance with the settled law. The Tribunal has also adopted the correct multiplier of 17, as the deceased was aged about 27years at the time of the accident. Therefore, the compensation awarded towards loss of income assessed by the Tribunal at Rs.12,85,200/- cannot be considered to be excessive as alleged by the appellant.

6. The Tribunal has awarded a compensation of Rs.20,000/- towards loss of love and affection and Rs.10,000/- towards funeral and transportation expenses which cannot be considered to be excessive.

7. Since, the respondents have not preferred any appeal till date seeking for enhancement of compensation, this Court is not adjudicating as to whether the compensation awarded by the Tribunal to the respondent/claimant is a just compensation or not, but only deciding this appeal based on the contention raised by the appellant/Transport corporation in this appeal. For the foregoing reasons, there is no merit in the appeal filed by the transport corporation.

8. In the result, the civil miscellaneous appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar



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To

1. The Motor Accident Claims Tribunal,
II Additional District Judge, Vellore at Ranipet

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

+1 cc to Mr.K.J.Sivakumar, Advocate Sr.NO. 40935
CMA No.2253 of 2021

PMK (CO)
A.SK(25.11.2021)