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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A. No. 2767 of 2021
and C.M.P.No.15804 of 2021

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
(Villupuram Division)
Rangapuram, Vellore - 9. ... Appellant/Respondent

Vs

Jayalakshmi ... Respondent/Petitioner

Prayer: The Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the Decree and Judgment dated 15.10.2020 made in M.C.O.P.No.987 of 2016 on the file of the learned Motor Accident Claims Tribunal, Fast Track Mahila Court, Vellore and pleaded to dismiss the above claim as against the appellant.

For Appellant : Mr.K.J.Sivakumar

For Respondent : Mr. M. Sivakumar

JUDGMENT

This appeal has been filed by the Transport Corporation challenging the award dated 15.10.2020 passed by Motor Accidents Claims Tribunal, Fast Track Mahila Court, Vellore in M.C.O.P.No. 987 of 2016.

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

3. The Tribunal under the impugned order directed the Appellant Transport Corporation to pay the respondent/claimant a compensation of Rs.18,84,400/- (Rupees Eighteen Lakhs Eighty Four Thousand and Four Hundred only) as detailed hereunder:



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Heads	Amount awarded by the Tribunal (Rs.)
Loss of income	18,14,400/-
Loss of love and affection	50,000/-
Funeral Expenses	15,000/-
Transportation	5,000/-
Total compensation	18,84,400/-

4. The son of the respondent/claimant Karthik died on 22.10.2016 as a result of an accident, caused by a bus, owned by the appellant Transport Corporation. In the claim petition, the respondent/claimant has pleaded that her deceased son Karthik was aged 24 years and was working in a private company and was earning a sum of Rs.15,000/- (Rupees Fifteen Thousand only) per month.

5. Since no documentary evidence was produced by the respondent/claimant before the Tribunal, the Tribunal has fixed the notional monthly income of the deceased at Rs.9,000/- (Rupees Nine Thousand only). The accident happened in the year 2016. This Court does not find any infirmity in the assessment made by the Tribunal as regards the notional monthly income of the deceased.

6. The Tribunal has also rightly deducted 1/3rd towards the personal expenses of the deceased, since the respondent/claimant is a widowed mother. The Tribunal also granted 40% towards loss of future prospects to the respondent/claimant, which is a correct assessment, as the deceased was aged 24 years at the time of accident.

7. The avocation of the deceased also has not been disputed by the appellant Transport Corporation. The Tribunal has awarded a compensation of Rs.18,14,400/- (Rupees Eighteen Lakhs Fourteen Thousand and Four Hundred only) to the respondent/claimant towards loss of income which is a correct assessment.

8. Even though, the Tribunal has awarded a higher compensation of Rs.50,000/- (Rupees Fifty Thousand only) towards loss of love and affection, the overall compensation of Rs.18,84,400/- (Rupees Eighteen Lakhs Eighty Four Thousand and Four Hundred only) awarded by the Tribunal to the respondent/claimant cannot be considered to be excessive, as alleged by the appellant Transport Corporation.



9. For the foregoing reasons, there is no merit in this appeal. Accordingly, this Civil Miscellaneous Appeal is dismissed. No Costs. Consequently, the connected miscellaneous petition is also closed.

10. The appellant/Transport Corporation is directed to deposit the compensation amount awarded by the Tribunal, after deducting the amount already deposited if any, together with interest at the rate of 7.5% per annum from the date of claim till the date of deposit and costs, to the credit of MCOP.No.987 of 2016 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.987 of 2016 to the bank account of the claimant through RTGS within a period of one week thereafter.

Sd/-
ASSISTANT REGISTRAR

TRUE COPY

SUB ASSISTANT REGISTRAR

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To

1.The Motor Accidents Claims Tribunal,
Fast Track Mahila Court,
Vellore.

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

+1cc to Mr.M.Sivakumar, Advocate Sr.49845
+1cc to Mr.K.J.Sivakumar, Advocate Sr.50164

C.M.A. No. 2767 of 2021

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srg 23/11/2021