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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. 2769 of 2021
and C.M.P.No.15809 of 2021

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

... Appellant/Respondent

Vs

1. Santha
2. Saminathan

... Respondents/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.984 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. 984 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 respondents/claimants a compensation of Rs.14,40,800/- (Rupees Fourteen Lakhs Forty Thousand and Eight Hundred only) as detailed hereunder:



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Heads	Amount awarded by the Tribunal (Rs.)
Loss of income	13,60,800/-
Loss of love and affection for each respondent (Rs.30,000/-)	60,000/-
Funeral Expenses	15,000/-
Transportation	5,000/-
Total compensation	14,40,800/-

4. The son of the respondents/claimants Thangarasu 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 respondents/claimants have pleaded that their deceased son Thangarasu was aged 24 years at the time of the accident and was working in a Auto Finance 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 respondents/claimants 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 50% of the income towards the personal expenses of the deceased, since the deceased was a bachelor. The Tribunal also granted 40% towards loss of future prospects to the respondents/claimants, 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.13,60,800/- (Rupees Thirteen Lakhs Sixty Thousand and Eight Hundred only) to the respondents/claimants towards loss of income which is a correct assessment.

8. Even though, the Tribunal has awarded a higher compensation of Rs.60,000/- (Rupees Sixty Thousand only) towards loss of love and affection, the overall compensation of Rs.14,40,800/- (Rupees Fourteen Lakhs Forty Thousand and Eight Hundred only) awarded by the Tribunal to the



respondents/claimants 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.984 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.984 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.K.J.Sivakumar, Advocate Sr.50163
+1cc to M/s.C.Prabakaran, Advocate Sr.49846

C.M.A. No. 2769 of 2021

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srg 23/11/2021