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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2021

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

CMA.No.2474 of 2021

and

CMP No.14187 of 2021

The Managing Director,
Tamilnadu State Transport Corporation,
(VPN - DVN) Ltd.,
Vellore - 9

... Appellant/Respondent

vs.

1. Pushpa
2. Rajendiran

... Respondents/Petitioners

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the decree and judgement dated 15.10.2020 made in M.C.O.P. No.966 of 2016 on the file of the Motor Accident Claims Tribunal, Fast Track Mahila Court, Vellore.

For Appellant : Mr. K.J. Sivakumar
For Respondents : Mr. M. Sivakumar

JUDGMENT

(This case was heard through Video Conferencing)

This Appeal has been filed by the Transport Corporation challenging the award dated 15.10.2020 passed by the Motor Accident Claims Tribunal, Fast Track Mahila Court, Vellore in M.C.O.P. No.966 of 2016.

2. The Appellant /Transport Corporation has challenged the impugned award on the ground that the quantum of compensation awarded by the Tribunal to the Respondents / Claimant, is excessive.

3. The Tribunal under the impugned award has directed the Appellant, Transport Corporation, to pay the Respondents/ Claimants a compensation of Rs.13,65,200/- as detailed hereunder :

Heads	Amount awarded by the Tribunal (Rs.)
Loss of Income	1285200
Love and affection (Rs.30,000/- each)	60000



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Heads	Amount awarded by the Tribunal (Rs.)
Funeral expenses	15000
Transport expenses	5000
Total	1365200

4. Heard Mr.K.J.Sivakumar, learned counsel for the appellant / Transport Corporation and Mr.M.Sivakumar, learned counsel for the respondents /claimants.

5. This Court has perused and examined the impugned award as well the materials and evidence available on record before the Tribunal.

6. The respondents are the dependants of the deceased Sathyanandam who died on 08.06.2016 as a result of an accident caused by a bus owned by the Appellant / Transport Corporation.

7. The deceased was working in a Private concern and he was aged 27 years at the time of the accident. In the claim petition, the respondents/ claimants have pleaded that the deceased was earning Rs.20,000/- p.m. at the time of the accident. The respondents/ claimants are the parents of the deceased Sathyanandam.

8. Even though the respondents/ claimants have pleaded that the deceased was earning Rs.20,000/- p.m. at the time of the accident, the Tribunal has fixed the notional monthly income of the deceased at Rs.9,000/- which in the considered view of the Court cannot be considered to be excessive, after giving due consideration to the avocation and the year of the accident. Hence, the same is confirmed by this Court. The Tribunal has also adopted the correct multiplier of 17 as the deceased was aged 27 years at the time of accident.

9. The Tribunal has awarded a compensation of Rs.60,000/- towards loss of love and affection, at Rs.30,000/- to each of the respondents who are the parents of the deceased, which cannot be considered to be excessive, as alleged by the Appellant / Transport Corporation. The Tribunal has awarded a compensation of Rs.15,000/- towards funeral expenses and a compensation of Rs.5,000/- towards transport expenses which is also not excessive. The total compensation for Rs.13,65,200/- awarded to the Respondent/ Claimant cannot be considered to be excessive as alleged by the Appellant/ Transport Corporation.

10. For the foregoing reasons, this Court does not find any merit in this appeal and accordingly, the Civil Appeal stands dismissed. No costs.



Consequently, connected miscellaneous petition is closed.

11. The Appellant / Transport Corporation is directed to deposit the entire award amount awarded by the Tribunal together with interest at 7.5% p.a. from the date of claim petition till the date of realization, less the amount, if any, already deposited to the credit of MCOP No.966 of 2016 on the file of the Motor Accident Claims Tribunal, Fast Track Mahila Court, Vellore, within a period of four weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the Tribunal is directed to transfer the award amount directly to the bank account of the respondent / claimant as per the same ratio of apportionment made by the Tribunal through RTGS, within a period of two weeks thereafter.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ab/vsi2

To

1. The Presiding Officer,
Motor Accident Claims Tribunal,
Fast Track Mahila Court,
Vellore.

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

+lcc to Mr.Prabakaran, Advocate, S.R.No.44544

+lcc to Mr.K.J.Sivakumar, Advocate, S.R.No.44471

CMA.No.2474 of 2021

and

CMP No.14187 of 2021

MG (CO)

GN(27/10/2021)