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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.2472 OF 2021

AND

CMP NO.14165 OF 2021

The Managing Director,
Tamilnadu State Transport Corporation,
Villupuram Ltd.,
Villupuram.

...Appellant / Respondent

VS.

1.T.Dhanasekar

2.S.Divya

3.D.Janani

4.D.Karthick

...Respondents / Petitioners

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the decree and judgement dated 17.08.2020 made in M.C.O.P. No.7515 of 2017 on the file of the Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai.

For Appellant : Mr.K.J.Sivakumar

For Respondents : Mr.Amar D. Pandiya

JUDGMENT

(This case was heard through Video Conferencing)

This Appeal has been filed by the Transport Corporation challenging the award dated 17.08.2020 by the Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai made in M.C.O.P. No.7515 of 2017.



2. According to the Appellant / Transport Corporation, the quantum of compensation fixed by the Tribunal is excessive.

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3. The Tribunal under the impugned award directed the Appellant/ Transport Corporation, to pay the respondents/ claimants a compensation of Rs.12,45,000/- as detailed hereunder:

Heads	Amount awarded by the Tribunal (Rs.)
Loss of dependency	1050000
Loss of consortium	40000
Loss of estate	15000
Funeral expenses	15000
Loss of love and affection	120000
Transportation expenses	5000
Total	1245000

4. Heard Mr.K.J.Sivakumar, learned counsel for the appellant / Transport Corporation and Mr.Amar D. Pandiya, 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/ claimants are the husband and children of the deceased Vijaya alias Vijayalakshmi, who died as a result of an accident on 06.10.2017 caused by a bus owned by the Appellant / Transport Corporation. The deceased was aged 44 years at the time of the accident and she was a Tailor. The Tribunal has fixed the notional monthly income of the deceased at Rs.10,000/-, which in the considered view of this Court cannot be considered to be excessive after giving due consideration to the fact, that the deceased was a Tailor and the year of the accident is 2017. The Tribunal has also adopted the correct multiplier of 14, after giving due consideration to the age of the deceased.



7. However, the Tribunal has erroneously deducted 50% towards personal expenses of the deceased, despite the fact that there are four dependants, the respondents / claimants herein. If the number of dependants was correctly taken into consideration, the Tribunal ought to have deducted 1/3rd towards personal expenses of the deceased, in which case, the quantum compensation to be awarded will be much higher. After giving due consideration to the aforementioned factors, this Court is of the considered view that the total compensation awarded by the Tribunal under various heads cannot be considered to be excessive as alleged by the Appellant/ Transport Corporation.

8. For the foregoing reasons, this Court does not find any merit in this appeal and accordingly, the Civil Miscellaneous Appeal shall stand dismissed. No costs. Consequently, connected miscellaneous petition is closed.

9. 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.7515 of 2017 on the file of the Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai, 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 (CS-IX)

// True Copy //

Sub Assistant Registrar

ab/vsi2

To

The Judge,
Motor Accident Claims Tribunal,
IV Court of Small Causes,
Chennai.



Copy To

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

+1cc to Mr.K.J.Sivakumar, Advocate SR.No.44470

+1cc to M/s.Amar D. Pandiya, Advocate SR.No.44390

CMA No.2472 of 2021
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SRA(CO)
RVM(10/11/2021)