IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2021

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.2699 of 2021
and
C.M.P. No.15509 of 2021

The General Manager,
Tamil Nadu State Transport Corporation
Limited, Villupuram,
Having its Office at Vellore.

...Appellant/Respondent

vs.

1. Kanavapatti
2. Venkatesh
3. Venkatasalam
4. Govindhan
5. Mangamma
6. Nagammal

...Respondents/Petitioners

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Order dated 15.12.2020 made in MCOP No. 539 of 2020 on the file of the Motor Accident Claims Tribunal, Special District Judge, Krishnagiri.

For Appellant : Mr. K.J. Sivakumar

JUDGMENT

This Appeal has been filed by the Appellant Transport Corporation challenging the impugned award dated 15.12.2020 passed by the Motor Accident Claims Tribunal (Special District Judge, Krishnagiri) in MCOP No.539 of 2020.

2. Heard Mr.K.J.Sivakumar, learned counsel for the Appellant. Since no adverse orders are going to be passed against the respondents/claimants, notice to the respondents is dispensed with by this Court.

3. The Appellant Transport Corporation has challenged the impugned award only on the ground that the quantum of compensation awarded by the Tribunal is excessive. The Tribunal has awarded a compensation of Rs.5,85,000/- to the respondents/claimants for the death of Ellammal who died on 07.01.2020 as a result of an accident caused by a bus owned by the Appellant Transport Corporation as detailed hereunder.

Heads	Amount Awarded by the Tribunal (in Rs.)
Loss of dependency	3,15,000/- (5000-1/4 = 3750 x 12 x 7)
Loss of estate	15,000/-
Funeral expenses	15,000/-
Loss of Consortium	2,40,000/-
Total	5,85,000/-

4. The deceased was aged 65 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. as a fruit vendor on the road side. The accident happened in the year 2020. The Tribunal has fixed the notional monthly income of the deceased at Rs.5,000/- which cannot be considered to be excessive as alleged by the Appellant Transport Corporation. The Tribunal has adopted the correct multiplier of 7 for assessing the loss of dependency. The Tribunal has not awarded any compensation towards loss of future prospects, though the respondents/ claimants may be entitled for the same under law. The Tribunal has rightly deducted $1/4^{th}$ towards personal expenses of the deceased, since the dependents of the deceased are six in number.

5. The Tribunal has awarded a compensation of Rs.15,000/- towards funeral expenses and Rs.15,000/- towards loss of estate in accordance with the settled law and the same cannot be considered to be excessive as alleged by the Appellant Transport Corporation.

6. This Court is of the considered view that the overall compensation of Rs.5,85,000/- awarded by the Tribunal to the respondents/ claimants cannot be considered to be excessive as alleged by the Tribunal.

7. In the result, there is no merit in this Appeal. Accordingly, this Appeal is dismissed. The Appellant Transport

Corporation is directed to deposit the amount awarded by the Tribunal, after deducting the amount already deposited, if any, together with interest from the date of claim till the date of deposit and costs to the credit of MCOP.No.539 of 2020 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 respective share of award amount lying to the credit of MCOP.No.539 of 2020 to the bank account of the respondents/claimants as per the ratio apportioned by the Tribunal, through RTGS within a period of one week thereafter. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ab/nl

To

1. The Special District Judge,
   Motor Accident Claims Tribunal,
   Krishnagiri.

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

+1cc to Mr.K.J.Sivakumar, Advocate, S.R.No.49291

C.M.A.No.2699 of 2021
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GPL(CO)
SU(25/10/2021)