IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2021

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.No.2768 of 2021 &
CMP.No.15805 of 2021

The Managing Director,
Tamilnadu State Transport Corporation Limited,
Kancheepuram District.
...Appellant/Respondent

Vs

1.Shanthi
2.S.Arun
3.S.Sathyaraj
4.S.Sudhakar ... Respondents/Petitioners

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act against the Judgment and Decree dated 06.09.2019 made in MCOP.No.36 of 2013 on the file of the I Additional District Judge, Tindivanam.

For Appellant : Mr.K.J.Sivakumar

JUDGMENT

This civil miscellaneous appeal has been filed by the Transport Corporation challenging the award dated 06.09.2019 passed by the Motor Accident Claims Tribunal, I Additional District Judge, Tindivanam in MCOP.No.36 of 2013.

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 award only on the ground that the quantum of compensation awarded by the Tribunal to the respondents/claimants is excessive.

4. The respondents/claimants are the dependants of the deceased M.Sundaramurthy who died on 02.02.2009 as a result of

an accident caused by a vehicle owned by the Appellant Transport Corporation. The respondents/claimants preferred a compensation claim before the Tribunal for the death of M.Sundaramurthy.

5. The Tribunal under the impugned award directed the Appellant Transport Corporation to pay the respondents a compensation of Rs.23,13,128/- together with interest and costs as detailed hereunder:

Heads	Award Amount (Rs.)
Loss of dependency	21,43,128/- 14090 + 30% = 18317 – ¼ = 13738 x 12 x13)
Loss of love and affection	1,05,000/-
Funeral Expenses	25,000/-
Loss of consortium	40,000/-
Total	23,13,128/-

6. The deceased M.Sundaramurthy was a senior panman working at Shree Renuka Sugars Limited, Haldia, West Bengal and earning Rs.18,027/- per month. Before the Tribunal, the respondents/claimants have filed the salary certificate of the deceased which has been marked as Ex.P7. The Tribunal based on the salary certificate fixed the notional monthly income of the deceased at Rs.14,090/-. The accident happened in the year 2009. Since the salary certificate has been produced before the Tribunal, this Court does not find any infirmity in the assessment made by the Tribunal that the deceased was earning Rs.14,090/- per month at the time of the accident. The Tribunal has adopted the correct multiplier of 13 as the deceased was 48 years at the time of the accident. The Tribunal has also awarded 30% towards future prospects to the respondents/claimants which is the correct assessment. Since the dependants are four in number, the Tribunal has rightly deducted $1/4^{th}$ towards personal expenses of the deceased. Therefore, the compensation awarded by the Tribunal towards loss of dependency at Rs.21,43,128/- cannot be considered to be excessive as alleged by the Appellant Transport corporation.

7. The respondents/claimants are the wife and children of the deceased. The Tribunal has awarded a compensation of Rs.1,05,000/- towards loss of love and affection to the respondents 2 to 4 at Rs.35,000/- each which is a correct

assessment and the same is confirmed by this court. The Tribunal has also awarded a compensation of Rs.40,000/- towards loss of consortium to the first respondent/wife of the deceased which is also in accordance with settled law and the same is confirmed by this Court.

8. The Tribunal has awarded a compensation of Rs.25,000/- towards funeral expenses which cannot be considered to be excessive considering the facts and circumstances of this case.

9. Therefore, the total compensation awarded by the Tribunal at Rs.23,13,128/- cannot be considered to be excessive as alleged by the Appellant Transport Corporation.

10. In the result, there is no merit in this appeal. Accordingly, this civil miscellaneous 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 cost to the credit of MCOP.No.36 of 2013 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.36 of 2013 to the bank account of the respondents/claimants through RTGS within a period of one week thereafter. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)
//True Copy//

Sub Assistant Registrar

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To
The Motor Accident Claims Tribunal,
The I Additional District Judge, Tindivanam.

Copy to :
The Section Officer,
V.R.Section, High Court of Madras.

+1CC to Mr.K.J.Sivakumar, Advocate, Sr.No.49289

C.M.A.No.2768 of 2021

AJS (CO)
K.RK. (28.09.2021)