



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A. No. 2427 of 2021 and
C.M.P.No. 13815 of 2021

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Villupuram Division, No. 3/137,
Salamedu Vazhuthareddy,
Villupuram, Tamil Nadu ...Appellant/Respondent

Vs

1. Sathiya
2. Minor. Delhi Kumari
3. Minor. Premkumar
4. Rajamani
5. Elumalai

(Minors 2 and 3 respondents are represented
by the Natural Guardian/Mother (1st respondent)
...Respondents/Petitioner

Prayer: The Civil Miscellaneous Appeal was filed under Section 173 of Motor Vehicles Act, 1988, to set aside the Judgement and decree dated 18.02.2021 made in M.C.O.P. No. 179 of 2017 on the file of the Motor Accident Claims Tribunal, Sessions Judge, Magalir Neethi Mandram, Fast Track Mahila Court, Vellore.

For Appellant : Mr.K.J.Sivakumar

For Respondents : Mr. M. Sivakumar

JUDGMENT

This appeal has been filed by the Transport Corporation, challenging the impugned award dated 18.02.2021 made in M.C.O.P. No. 179 of 2017 on the file of the Motor Accident Claims Tribunal, Sessions Judge, Magalir Neethi Mandram, Fast Track Mahila Court, Vellore.

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 award, directed the Appellant Transport Corporation to pay the respondents/claimants a compensation of Rs.21,02,800/- (Rupees Twenty One Lakhs Two Thousand Eight Hundred only). The details of the compensation awarded by the Tribunal under the impugned award are as follows :

Heads	Amount awarded by the Tribunal (Rs.)
For Loss of Income	19,27,800/-
Loss of Consortium	30,000/- (1st claimant)
Loss of Love and Affection	1,25,000/- (each Rs.25,000/-)
Funeral Expenses	15,000/-
Transport Expenses	5,000/-
Total	21,02,800/-

4. Aggrieved by the Award, the Appellant has preferred the present appeal.

5. The primary ground of challenge in this appeal is that the notional monthly income fixed by the Tribunal for the deceased at Rs. 9,000/- (Rupees Nine Thousand only) is on the higher side and the compensation awarded by the Tribunal towards love and affection is also on the higher side.

6. The deceased was a Car Mechanic, aged 30 years at the time of accident, which occurred on 29.06.2016. In the claim petition, the claimants have pleaded that the deceased was earning a sum of Rs.15,000/- (Rupees Fifteen Thousand only) per month. After giving due consideration to the age of the deceased and the year of the accident, the Tribunal has fixed the notional monthly income of the deceased at Rs.9,000/- (Rupees Nine Thousand only). This Court is of considered view that it is a correct assessment as the year of the accident was 2016 and the deceased was aged 30 years and a Car Mechanic.

7. With regard to the compensation of Rs. 1,25,000/- (Rupees One Lakh Twenty Five Thousand only) awarded by the Tribunal towards loss of love and affection, the same also is not on the higher side, as alleged by the Appellant Transport Corporation.

8. The Respondents/claimants are wife, two minor children and parents of the deceased and they are five in number. The Tribunal has awarded a compensation of Rs. 25,000/- (Rupees



Twenty Five Thousand only) each towards loss of love and affection, which cannot be considered to be excessive as it is in accordance with the settled law.

9. The Tribunal has adopted the correct multiplier of "17" as the deceased was aged 30 years at the time of the accident. The total compensation of Rs. 21,02,800/- (Rupees Twenty One Lakhs Two Thousand Eight Hundred only) awarded by the Tribunal under the impugned award cannot be considered to be excessive as alleged by the Appellant Transport Corporation.

10. For the foregoing reasons, there is no merit in this appeal. Accordingly, the appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed. The respondent / Appellant Transport Corporation is directed to deposit the compensation 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.179 of 2017 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.179 of 2017 to the bank account of the respondents/claimants through RTGS within a period of one week thereafter.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sr/rgi

To

1.The Motor Accident Claims Tribunal,
Sessions Judge, Magalir Neethi Mandram,
Fast Track Mahila Court, Vellore.

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

+1cc to M/s.C.Prabakaran, Advocate Sr No.44223
+1cc to M/s.K.J.Sivakumar, Advocate Sr No.44202

C.M.A.No. 2427 of 2021

PMK (CO)
PR (26/10/2021)