



C.M.A.No.2805 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.12.2022

Coram :

**The Honourable Mr.Justice R.MAHADEVAN
and
The Honourable Mr.Justice J.SATHYA NARAYANA PRASAD**

C.M.A.No.2805 of 2021
and C.M.P.No.15991 of 2021

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Regional Office, Bharathipuram,
Dharmapuri – 5.

...Appellant

Versus

1.Thulasi
2.Minor Keerthana
3.Minor Kishore Kumar
4.Venkatesappa
5.Rathinamma
6.Renuka

...Respondents

This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the fair and decreetal order dated 15.10.2019 made in M.C.O.P.No.420 of 2017 on the file of the Motor Accident Claims Tribunal/Additional District Court, Hosur.

For Appellant : Ms.P.Rajathi for D.Raghu
For Respondents : Mr.S.P.Yuvaraj



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JUDGMENT

WEB COPY (*Judgment of the Court was delivered by **R.MAHADEVAN, J.***)

This Civil Miscellaneous Appeal has been filed by the appellant/Transport Corporation questioning the quantum of compensation awarded by the learned Motor Accident Claims Tribunal Judge/Additional District Judge, Hosur (in short, “the Tribunal”) by judgment and decree dated 15.10.2019 in M.C.O.P.No.420 of 2017.

2. The respondents/claimants preferred a claim petition in M.C.O.P.No.420 of 2017 before the Tribunal, claiming a sum of Rs.35,00,000/- as compensation from the appellant/Transport Corporation for the death of one Lagumappa, who died in a road accident that took place on 04.10.2015. On the basis of oral and documentary evidence produced, the Tribunal held that the accident occurred due to the rash and negligent driving of the driver of the bus belonging to the appellant/Transport Corporation and hence, it directed the appellant/Transport Corporation to pay a sum of Rs.24,13,000/- as compensation to the respondents/claimants. The break up details of the compensation awarded by the Tribunal are as follows:



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<i>Sl.Nos.</i>	<i>Heads</i>	<i>Amount awarded by the Tribunal</i>
1.	Loss of Dependency	Rs.16,20,000/-
2.	Loss of Love and Affection	Rs.60,000/-
3.	Transportation	Rs.10,000/-
4.	Funeral Expenses	Rs.15,000/-
5.	Loss of Estate	Rs.20,000/-
6.	Future Prospects	Rs.6,48,000/-
7.	Loss of Consortium	Rs.40,000/-
	Total	Rs.24,13,000/-

Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant/Transport Corporation has preferred this Civil Miscellaneous Appeal before this Court.

3. The learned counsel for the appellant submitted that without any basis, the Tribunal awarded a sum of Rs.24,13,000/- as compensation to the respondents/claimants, which is excessive, exorbitant and unreasonable in the facts and circumstances of the case. The learned counsel further submitted that in the absence of material evidence, the Tribunal awarded a sum of Rs.16,20,000/- towards Loss of Dependency and Rs.6,48,000/- towards Future Prospects, which are on the higher side. Therefore, the learned counsel sought to modify the quantum of compensation awarded by the Tribunal.



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4. On the other hand, the learned counsel appearing for the respondents/claimants submitted that the Tribunal after analyzing the oral and documentary evidence, has awarded the just and fair compensation and hence, the same need not be interfered with.

5. Heard the learned counsel on either side and perused the materials placed before this Court.

6. The learned counsel appearing for the respondents/claimants during the course of argument, restricted the relief sought herein only in respect of the quantum of compensation awarded by the Tribunal. Hence, there is no necessity for this Court to go into the negligence as well as liability of the appellant / Transport Corporation to pay compensation to the respondents/claimants.

7. As regards the quantum of compensation, it is seen that the Tribunal, placing reliance on Ex.P5 (Salary Certificate of the deceased), fixed a sum of Rs.12,000/- as monthly income of the deceased and deducted $\frac{1}{4}$ th of the said monthly income i.e., Rs.3,000/- towards personal expenses of the deceased, and accordingly, assessed the annual Loss of Dependency at



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Rs.1,08,000/- (Rs.9,000/- x 12). Thereafter, considering the fact that the deceased was aged about 38 years at the time of accident and following the judgment of the Hon'ble Supreme Court in *Sarla Verma and others Vs. Delhi Transport Corporation and another [2009 (6) SCC 121]*, applied the multiplier '15' and ultimately, determined the Loss of Dependency at Rs.16,20,000/- (Rs.1,08,000/- x 15 = Rs.16,20,000/-), which is fair, just and reasonable and hence, the same does not warrant any interference by this court.

8. In view of the principles laid down by the Hon'ble Supreme Court in *National Insurance Company Limited v. Pranay Sethi & Ors. [2017 (2) TNMAC 609 (SC)]*, the Tribunal rightly awarded 40% of the income towards future prospects of the deceased, which comes to Rs.6,48,000/- (Rs.16,20,000/- x 40%) and hence, the same is hereby confirmed.

9. In respect of compensation awarded under other heads, viz., Rs.60,000/- towards loss of love & affection, Rs.40,000/- towards loss of consortium, Rs.20,000/- towards loss of Estate, Rs.10,000/- towards Transportation Charges and Rs.15,000/- towards Funeral Expenses, are just and reasonable, in the given facts and circumstances of the case, and hence, the same do not call for any interference by this court.



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10. In the upshot, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.M.D., J.) (J.S.N.P., J.)
12.12.2022

mrr

Index : Yes/No

Speaking Judgment (or) Non-Speaking Judgment

To

1.The Additional District Judge,
Motor Accident Claims Tribunal/Additional District Court,
Hosur.

2.The Section Officer,
VR Records, High Court,
Madras.



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