



C.M.A.No.2229 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.M.A.No.2229 of 2022

&

C.M.P.No.17232 of 2022

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
3/137, Salamedu, Vazhuthareddy,
Villupuram.

...Appellant

Vs

1.S.Mala

2.S.Sivaranjitha

... Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of

Motor Vehicles Act, 1988, against the Judgement and Decree dated

01.10.2021 made in M.C.O.P.No.1618 of 2018 on the file of the

Motor Accident Claims Tribunal, the Special Sub Judge, Cuddalore.



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For Appellant : Mr.K.J.Sivakumar

For Respondents : Mrs.Ramya V. Rao

JUDGEMENT

The Transport Corporation has challenged the award passed by the Motor Accident Claims Tribunal, Cuddalore in M.C.O.P.No.1618 of 2018 on the ground of quantum.

2. The appellant Transport Corporation is aggrieved by two factors, ie., The award granted under the head of Loss of Income is on the higher side. The amount has been fixed merely on the basis of Ex.P.5, which has not been proved by examining any independent evidence. Further, though the deceased Sivaraj was died a bachelor, the Tribunal has only deducted 2/3rd of the amount under the head of



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Loss of Income.

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3. That apart, the petitioners who are claiming compensation are the mother and sister of late Sivaraj, who had died in a road accident. They are entitled to a loss of Love and Affection of only a sum of Rs.80,000/-, whereas the Tribunal below has granted a sum of Rs.2,50,000/-, under this head.

4. The learned counsel appearing for the respondents / petitioners has not been able to rebut the argument made by the learned counsel for the appellant.

5. It is stated that the deceased was a fitter by profession, therefore, he would definitely have earned a sum of Rs.15,300/- per month, to this future prospects at the rate of 40% has to be added and a monthly income would be a sum of Rs.21,420/-. The annual income

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would be a sum of Rs.2,57,040/-. The deceased was aged 26 at the time of his death. Therefore, the multiplier to be adopted is 17. The deceased died a bachelor and therefore 50% has to be kept aside for his personal expenses. Therefore, the amount under the head of Loss of Income would workout to a sum of **Rs.21,84,840/-**.

6. The amount under the head of loss of Love and Affection has been reduced to a sum of **Rs.80,000/-**. The amounts granted under the other heads remained unaltered. The total compensation amount would be a sum of **Rs.22,99,840/-**.

7. The award of the Tribunal below is re-worked as follows:

<i>Heads</i>	<i>Award of the Tribunal</i>	<i>Award of the High Court</i>	<i>Remarks</i>
Loss of Income	Rs.29,13,120/-	Rs.21,84,840/-	Reduced
Loss of Love and Affection	Rs.2,50,000/-	Rs.80,000/-	Reduced



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<i>Heads</i>	<i>Award of the Tribunal</i>	<i>Award of the High Court</i>	<i>Remarks</i>
Funeral Expenses	Rs.15,000/-	Rs.15,000/-	Confirmed
Transport	Rs.5,000/-	Rs.5,000/-	Confirmed
Loss of Estate	Rs.15,000/-	Rs.15,000/-	Confirmed
Total	Rs.31,98,120/-	Rs.22,99,840/- together with interest @ 7.5% p.a.	Reduced

8. The appellant Transport Corporation is directed to deposit the award amount along with interest and costs, less the amount already deposited within a period of six weeks from the date of receipt of a copy of this Judgement, to the credit of M.C.O.P.No.1618 of 2018. On such deposit, the petitioners / respondents are permitted to withdraw their respective share of the award amount, as per the apportionment fixed by the Tribunal, along with proportionate interest and costs, less the amount if any, already withdrawn, by filing necessary application before the Tribunal. In all other respects, the



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award of the Tribunal below stands confirmed.

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9. The Civil Miscellaneous Appeal is partly allowed.

Consequently, connected Civil Miscellaneous Petition is closed. No costs.

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Index : Yes/No

Speaking order/non-speaking order

To,

The Special Subordinate Judge,
The Motor Accident Claims Tribunal,
Cuddalore.



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P.T.ASHA, J.,

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