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CMA.No.984 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2023

CORAM: JUSTICE N.SESHASAYEE

CMA.No.984 of 2022

The Managing Director,
Karnataka State Road Transport Corporation,
Bengaluru.

... Appellant

-Vs-

1.Jeevakumar
2.Ammu

...Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the M.V.Act, 1988, against the Judgment and Decree dated 20/07/2021 passed in M.C.O.P.No.540 of 2016 on the file of the Motor Accident Claims Tribunal (Subordinate Judge) at Gingee.

For Appellant : Mr.T.Thiyagarajan

For R1 & R2 : Mr.Santhana Raman

JUDGMENT

In a road accident that took place on 29.10.2016 at around 6.30 p.m. while one Deepak was traveling with few others in a car bearing Regn.No.KA 02 MC 4360, a bus bearing Regn.No.KA 40 F 0342



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belonging to the appellant herein dashed against the said car. Deepak along with another died on the spot. Deepak was 19 years old at the time when he died and was prosecuting his Diploma course in Civil Engineering. Seeking compensation, his parents had moved the Motor Accident Claims Tribunal, Subordinate Court, Gingee with MCOP.No.540 of 2016. After enquiry, the Tribunal had determined the compensation payable at Rs.17,18,800/-.

2.While computing the compensation under the head of loss of dependency, the Tribunal had reckoned the monthly income of the victim notionally at Rs.8,000/- per month. After adding 40% towards future prospects and applying a multiplier of 18 and deducting 1/3rd towards personal expenditure, it arrived at a sum of Rs.16,12,800 under the head of dependency. This is now under challenge.

3.According to the appellant inasmuch as the victim was a boy aged around 19 years and a bachelor, at least 50% must be deducted towards his personal expenditure, whereas, the Tribunal had deducted only 1/3rd.



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4.The learned counsel for the respondents submitted that even though Deepak was prosecuting his Diploma course in Civil Engineering, he held greater prospects of making any income more than Rs.8,000/- as was notionally fixed by the Tribunal.

5.After weighing the rival submissions carefully, this Court considers that there is merit in the submissions of both the counsel. So far as the appellant is concerned, the Tribunal ought to have deducted 50% and not 1/3rd towards the personal expenditure of the victim. Turning to the submissions of the respondents' counsel, as he very correctly submitted the notional income as fixed by the Tribunal is on the lower side.

6.This Court considers that Rs.10,500/- would be an appropriate and fair income that could be fixed. After adding 40% towards future prospects and applying a multiplier of 18 and deducting 50% thereof towards the personal expenditure of the victim, the net value of loss of dependency is arrived at Rs.15,87,600/-. Towards loss of estate, this Court increases the compensation awarded by another Rs.5,000/-.



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7.The compensation awarded by the Tribunal under other heads are just and reasonable and hence, the same are confirmed. Thus, the compensation awarded by the Tribunal is reduced from Rs.17,18,800/- to Rs.16,98,600/-, break-up as follows -

Sl. No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted
1.	Loss of dependency	16,12,800	15,87,600	Reduced
2.	Love and affection	80,000/-	80,000/-	Confirmed
3.	Funeral Charges	15,000/-	15,000/-	Confirmed
4.	Loss of estate	10,000/-	15,000/-	Enhanced
5.	Damage to clothes	1,000/-	1,000/-	Confirmed
	Grand Total	17,18,800/-	16,98,600/-	Reduced by 20,200/-

8.With the above modification, this Civil Miscellaneous Appeal is partly allowed and the compensation awarded by the Tribunal at Rs.17,18,800/- is hereby reduced to Rs.16,98,600/- together with interest at 7.5% per



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annum. The Appellant is stated to have deposited the entire compensation amount as awarded by the Tribunal and now it is entitled to receive the balance amount of Rs.20,200. Further, the respondents are also permitted to withdraw the award amount, now determined by this Court, along with interest and costs, less the amount if any, already withdrawn. No costs.

31.10.2023

Tsg

To

- 1.The Motor Accident Claims Tribunal,
Subordinate Court, Gingee.
- 2.The Section Officer,
V.R.Section, High Court, Madras.

N.SESHASAYEE, J.,



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