



C.M.A.No.3258 of 2014

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2023

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.M.A.No.3258 of 2014
and M.P.No.1 of 2014

The Managing Director,
Tamilnadu State Transport Corporation,
Villupuram

... Appellant/Respondent

Vs

1.Natarajan
2.Rani
3.Jamuna
4.Vasanthi
5.Santhi
6.Geetha

... Respondents/Petitioners

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Judgement and Decree passed by the Motor Accident Claims Tribunal, Tiruvannamalai, (In the Court of the Special Sub Judge, Tiruvannamalai) in M.C.O.P.No.503/2013 dated 03.04.2014.



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For Appellant ... Mr.S.S.Santhosa Kumar
For Respondents ... R1-Died
... R2 to R6 - Notice not ready
... R5- No Appearance for R1
(Track Sheet filed)

JUDGEMENT

Aggrieved by the impugned award dated 03.04.2014 passed by the Motor Accident Claims Tribunal, (In the court of Special sub-judge) Tiruvannamalai, in M.C.O.P.No. 503/2013, the present appeal has been filed by the claimant/appellant seeking enhancement of compensation.

2. The respondents herein are the husband and daughters of the deceased Malliga. On 06.10.2012, at about 6.45 am, when the deceased was travelling as a passenger in a Government bus bearing Reg.No.TN-32-N-2487 belonging to the Appellant which was proceeding from Tiruvannamalai to Villupuram driven in a rash and negligent manner, dashed against the tamarind tree on the right side of the road near Asaranguppam village as a result of which, the deceased sustained grievous injuries and she died on the spot.



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Aggrieved by the loss incurred in view of the said accident, the respondents herein filed a claim petition claiming a sum of Rs.10,00,000/- before the Motor Accident Claims Tribunal, Special Sub Court, Tiruvannamalai. The Tribunal, on considering the oral and documentary evidence, awarded a sum of Rs.3,42,000/- along with interest at 7.5% per annum. Aggrieved by the quantum of compensation, the Appellant is before this court.

3. Learned counsel appearing for the Appellant would submit that though at the time of accident, the deceased was 65 years old, the Tribunal by wrongly adopting the multiplier as 7 has granted compensation under the head “Loss of Dependency” which is highly excessive. Hence, the compensation awarded under the said head requires interference.

4. Though this appeal has been filed in the year 2014, the appellant has not taken any steps to serve notice on Respondents 2 to 6. However, considering the pendency of this appeal, this Court is inclined to dispose of this appeal based on the materials available on record.



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5. The factum and manner of the accident is not in dispute. Admittedly, the deceased was 65 years old at the time of accident. It is the case of the appellant that the Tribunal has wrongly adopted the multiplier 7 while granting compensation under the head “Loss of Dependency” which is highly excessive and the same requires interference. However, as per the decision of the Hon'ble Supreme Court in case of *Sarla Verma and Ors. v. DTC & Ors.* reported in **(2009) 6 SCC 121**, the correct multiplier to be adopted between the age group of 61 - 65 years would be 7. In the present case, the deceased being within the age group of 61 – 65 years, the multiplier applicable is 7. A perusal of the impugned award reveals that the Tribunal has rightly fixed the compensation of Rs.2,52,000/- under the loss of dependency by adopting the said multiplier which cannot be said to be excessive. Therefore, this Court is not inclined to interfere with the compensation awarded under the said head and this appeal is liable to be dismissed.

6. Accordingly, the Civil Miscellaneous Appeal is dismissed and the



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Judgment and Decree dated 03.04.2014 made in M.C.O.P.No.503 of 2013 on the file of the Motor Accident Claim Tribunal, (In the Court of Special Sub Judge), Tiruvannamalai stands confirmed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition stands closed.

31.10.2023

Index : Yes / No
Speaking Order / Non-speaking order
Neutral Citation Case : Yes / No

NHS

To

- 1.The Motor Accident Claims Tribunal,
(In the Court of the Special Sub Judge, Tiruvannamalai)
- 2.The Section Officer,
V.R. Section,
High Court, Madras.



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