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C.M.A.No.1750 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2023

CORAM : JUSTICE N.SESHASAYEE

C.M.A.No.1750 of 2022

1.Nagaraj

2.Selvi

..... Petitioners / Appellants

Vs

The Managing Director

Tamil Nadu State Transport Corporation Limited

Salem-7, Regional Office

Bharathipuram, Salem Main Road

Dharmapuri - 5.

..... Respondent / Respondent

Prayer : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 praying to set aside the award and enhance the compensation amount made in judgment and decree dated 30.08.2019 made in M.C.O.P.No.1150 of 2018 on the file of the Motor Accident Claims Tribunal and Special District Court, Krishnagiri, by allowing this Civil Miscellaneous Appeal.

For Appellants : Mr.SP.Yuaraj

For Respondent : Mr.D.Nithin



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JUDGMENT

On 11.04.2016, a 22 year old Sakthivel died when a two wheeler he was riding was knocked down by a rashly and negligently driven bus bearing No.TN-29-B-1931 belonging to the State Transport Corporation. The victim was stated to be a home guard and was making Rs.15,000/- per month. He had passed his Higher Secondary Education and has also underwent some Computer Programming course.

2. Seeking compensation for the loss of their son, the victims' parents had approached the Tribunal with MCOP.No.1150 of 2018 with a claim of Rs.30.0 lakhs. The Tribunal has fixed the income of the victim notionally at Rs.10,000/- per month, and reduced the same by half towards personal expenses, to which it had added another 40% towards future prospects of earning, and applied 18 as a multiplier and it arrived at the total loss of dependency at Rs.15,12,000/-, and including the other heads of compensation, it arrived at a total compensation of Rs.16,02,000/- The break-up is as below :



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<i>Sl.No.</i>	<i>Heads of Compensation</i>	<i>Amount (Rs.)</i>
1.	Loss of dependency	15,12,000.00
2.	Loss of consortium	20,000.00
3.	Loss of estate	15,000.00
4.	Funeral expenses	15,000.00
5.	Love and affection	40,000.00
Total :		16,02,000.00

Dissatisfied with the award passed, the claimants are now before the Court.

3. The learned counsel for the appellants submitted that even before the victim could blossom he was killed in a road accident. He added that the notional income as fixed by the Tribunal does not commensurate with the market income which any hard working young man of 22 years with knowledge in computer, could make in 2016.

4. The learned counsel for the respondent submitted that the total sum awarded by the Tribunal is just, fair and reasonable, and added that certain heads of components on the conventional heads of compensation may not apply to a bachelor.



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5. After weighing the rival submissions, this Court considers that it would be appropriate to fix Rs.12,000/- as notional income. If another 40% is added towards future prospects, and 18 is applied as a multiplier, and the sum arrived is reduced to 50%, the nett value of loss of dependency would be Rs.18,14,400/-. So far as conventional heads are concerned, this Court retains the award of the Tribunal as concerning loss of estate, funeral expenses etc., whereas on the head of loss of consortium, this Court grants nothing as the victim was a bachelor, and on the head of love and affection, it enhances and grants Rs.40,000/- to each of the claimants (Rs.40,000/- x 2 - Rs.80,000/-) as compensation. The award amount is accordingly re-worked, as provided below :

<i>Sl.No.</i>	<i>Heads of Compensation</i>	<i>Revised Award Amount (Rs.)</i>
1.	Loss of dependency	18,14,400.00
2.	Loss of consortium	NIL
3.	Loss of estate	15,000.00
4.	Funeral expenses	15,000.00
5.	Love and affection	80,000.00
Total :		19,24,400.00

6. In the result, the appeal is partly allowed, and the compensation amount as determined by the Tribunal is enhanced from 16,02,000/- to Rs.19,24,400/-.



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This Court is informed that the respondent has deposited Rs.25,000/- before the Tribunal. The respondent is now required to deposit the differential sum with interest at the rate of 7.5% less (a) any amount which has been already deposited; and (b) interest payable for 73 days delay in filing the appeal, within a period of twelve weeks from the date of receipt of a copy of this order. The revised award amount shall be apportioned equally among the claimants. The claimants are directed to pay necessary court fee if any, for the enhanced amount. No costs.

23.11.2023

Index : Yes / No

Internet : Yes / No

Speaking order / Non-speaking order
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To:

1.The Special District Judge
Motor Accident Claims Tribunal
Krishnagiri.

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



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N.SESHASAYEE.J.,

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