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C.M.A.No.1507 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 23.11.2023

CORAM:

MR.JUSTICE N.SESHASAYEE

C.M.A.No.1507 of 2022

1.Indira

2.Vaithiyalingam

... Appellants

Vs.

The Managing Director

Tamilnadu State Transport Corporation (division - I) Limited

3/137, Salamedu, Vazhuthareddy, Villupuram

... Respondents

PRAYER: This Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree in M.C.O.P.No.564 of 2016, dated 02.11.2017, on the file of the Motor Accidents Claims Tribunal / I Additional District Judge, Cuddalore.

For appellants : Mrs.Ramya V.Rao

For respondents : Mr.T.Chandrasekar

JUDGMENT

Dissatisfied with the perceived inadequacy of compensation awarded in M.C.O.P.No.564 of 2016 on the file of Motor Accidents Claims Tribunal (I



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Additional District Court), Cuddalore, the claimants are now before this

Court with this appeal.

2.On 09.12.2015, certain Bala @ Santhanakrishnan died, while he was riding his motorcycle a bus bearing Registration No.TN-32-N-1916 belonging to T.N.S.T.C. dashed it. The victim was 30 years old and was a bachelor and his mother and brother joined to file the claim petition before the Tribunal.

3.The victim was a mason and also involved in centering works. The Tribunal has fixed his monthly income notionally at Rs.6,000/-, to which it added another 50% towards future prospects and applied 17 as a multiplier and deducted 50% of the same to arrive at a loss of dependency. For compensation payable for loss of love and affection the Tribunal had granted only Rs.20,000/- for each of the claimants and nothing was granted for loss of estate.

4.Heard both sides.



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5. Taking into account the cost of living in 2016 (the accident happened in December 2015), this Court deems it appropriate to fix Rs.10,000/- as the income of the victim. To this 40% needs to be added towards future prospects to increase in earning. Applying a multiplier of 17 and reducing the sum arrived by half, net loss of liability to be determined at R.14,28,000/-, for loss of love and affection Rs.80,000/-, for loss of estate Rs.15,000/-. Towards funeral expenses this Court confirms Rs.10,000/- as awarded by the Tribunal.

6. In all, the total compensation payable is Rs.15,33,000/-. The details are provided in the break up for easy appreciation.

<i>Sl. No.</i>	<i>Amount granted by the Tribunal</i>	<i>Amount modified by this Court</i>	<i>Final amount granted by this Court</i>
1.	<i>Loss of dependency</i> = Rs.9,18,000/- (Rs.6,000/- + 50% (Rs.3,000/-) = Rs.9,000/- - 50% (Rs.4,500/- x 12 x 17 =Rs.9,18,000/-	<i>Loss of dependency</i> = Rs.14,28,000/- (Rs.10,000/- + 40% (Rs.4,000/-) = Rs.14,000/- - 1/2 x 17 x 12 = Rs.14,28,000/-)	<i>Rs.14,28,000/-</i>
2.	<i>Love and affection =</i> <i>Rs.20,000/-</i>	<i>Love and affection =</i> <i>Rs.80,000/-</i>	<i>Rs.80,000/-</i>
3.	-	<i>Loss of estate</i>	<i>Rs.15,000/-</i>



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<i>Sl. No.</i>	<i>Amount granted by the Tribunal</i>	<i>Amount modified by this Court</i>	<i>Final amount granted by this Court</i>
4.	For Transport and Funeral expenses = Rs.10,000/-	-	Rs.10,000/-
<i>Total</i>	<i>Rs.9,48,000/-</i>	<i>Enhanced Rs.5,85,000/-</i>	<i>Rs.15,33,000/-</i>

7.In fine, this appeal stands allowed.

(i) This Court enhances a compensation payable from Rs.9,48,000/- to Rs.15,33,000/-.

(ii) The respondent / Tamil Nadu State Transport is now required to deposit Rs.15,33,000/- (Rupees Fifteen Lakhs Thirty Three Thousand only) with interest at 7.5%, less any amount which it may have deposited to the credit of M.C.O.P.No.564 of 2016, on the file of Motor Accidents Claims Tribunal (I Additional District Court), Cuddalore, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

(iii) On such deposit, the claimants are entitled to withdraw the entire compensation along with interest as per existing rules on filing necessary



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application before the Tribunal after the payment of court fee for the enhanced compensation, if any.

(iv) The Registry is directed to draft the decree only after the receipt of enhanced court fee.

(vi) There is no order as to costs in this appeal.

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Index : Yes / No
Neutral Citation

To.

The Motor Accidents Claims Tribunal
I Additional District Court
Cuddalore



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N.SESHASAYEE, J.

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