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C.M.A.No.2613 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2023

CORAM :

THE HONOURABLE **MR.JUSTICE SUNDER MOHAN**

C.M.A.No.2613 of 2022

1. Pappathi,
2. Rangan

...Appellants/Petitioners

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation
(Salem Division – I), Ltd.,
No.12, Ramakrishna Road, Salem,
Salem District – 636 007.

...Respondent/Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, seeking to enhancement of compensation in the order dated 13.10.2022 made in MCOP.No.1361 of 2015, on the file of MACT/Additional District Court at Namakkal,

For Appellants : Mr.M.Lokesh
For Respondent : M/s.D.Nithin



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5. The Tribunal after taking into consideration the oral and documentary evidence held that the accident took place due to the negligence of the bus driver and awarded a total compensation of Rs.15,45,000/- to the appellants.

6. The learned counsel for the appellants submitted that though the appellants had established that the deceased was a second year B.Com., student, the Tribunal fixed very meagre notional income of Rs.10,000/- and prayed for enhancement of compensation.

7. The learned counsel for the respondent, *per contra*, submitted that the Tribunal had awarded just and reasonable compensation and no interference is called for in the award of the Tribunal.

8. Heard the learned counsel appearing for the appellants as well as the respondent and perused the materials available on record.

9. The only question involved in the instant appeal is whether the



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compensation awarded by the Tribunal is just and reasonable?

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10. It is seen from the records that the appellants had established the fact that the deceased was a college going student. They had marked Exs.P6 and P7/the college fee receipt and the ID card of the deceased. Considering the fact that the deceased was a college going student, year of the accident and his age, this Court is of the view that it would be just and reasonable to fix the notional income of the deceased as Rs.13,000/-. The deceased was aged 20 years at the time of the accident and hence, the appellants are entitled to enhancement of 40% towards future prospects and the multiplier applicable is "18". Since the deceased was bachelor at the time of the accident, half of his notional income has to be deducted towards his personal expenses. Thus, the compensation awarded under the head "Loss of Income" is calculated as follows:-

Rs.13,000/- +Rs.5200 (40% of Rs.13,000) X 12 X 18 X 1/2 =Rs.19,65,600/-

11. The Tribunal had awarded only Rs.16,500/- towards "Loss of Love



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and Affection. The appellants are each entitled to Rs.40,000/- under the said head and the same is enhanced from Rs.16,500/- to Rs.80,000/-. The Tribunal had not awarded any compensation under the head "Loss of Estate", hence, the same is awarded as Rs.15,000/-. The amount of Rs.16,500/- awarded towards "Funeral Expenses" is on the higher side and hence, the same is reduced to Rs.15,000/-. Thus, the compensation awarded by the Tribunal is enhanced from Rs.15,45,000/- to Rs.20,75,600/-, 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 Income	15,12,000/-	19,65,600/-	Enhanced
2.	Loss of Love and Affection	16,500/-	80,000/- (40,000/- X 2)	Enhanced
3.	Funeral Expenses	16,500/-	15,000/-	Reduced
4.	Loss of Estate	---	15,000/-	Granted
	Total	15,45,000/-	20,75,600/-	Enhanced by Rs.5,30,600/-

12. With the above modification, this Civil Miscellaneous Appeal is



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partly allowed and the compensation awarded by the Tribunal at Rs.15,45,000/- is hereby enhanced to Rs.20,75,600/- together with interest at the rate of 7.5% per annum (excluding the default period if any) from the date of petition till the date of deposit. The respondent/Transport Corporation is directed to deposit the award amount, now determined by this Court along with interest and costs, less the amount already deposited, if any, within a period of eight (8) weeks from the date of receipt of a copy of this Judgment. On such deposit, the appellants are permitted to withdraw their share of the award amount along with proportionate interest and costs, less the amount if any, already withdrawn. The appellants are directed to pay the necessary Court Fee, if any, on the enhanced award amount. No costs.

19.09.2023

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Index: Yes/No

Neutral Citation: Yes / No

Copy To:-

1.The Additional District Court

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Motor Accident Claims Tribunal
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2. The Section Officer,
VR Section,
High Court of Madras,
Chennai.

SUNDER MOHAN, J.



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