



C.M.A.No.152 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2023

CORAM

MR.JUSTICE N.SESHASAYEE

C.M.A.No.152 of 2022
and C.M.P.No.1143 of 2022

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
3/137, Salamedu, Vazhathareddy & Post,
Villupuram.

... Appellant

Versus

1.Vasuki

2.Shalini (Minor)
D/o.Kejendiran,
(Minor Rep. by her mother / 1st respondent)

... Respondents

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against award dated 06.08.2019 made in M.C.O.P.No.1073 of 2018 on the file of the Motor Accident Claims Tribunal, II Additional District Judge, Puducherry.

For Appellant : Mr.RJ.Sivakumar

For Respondents : Mr.R.Sreedhar



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JUDGMENT

This appeal is preferred challenging an award passed by the Motor Accident Claims Tribunal (II Additional District Judge), Puducherry in MACTOP.No.1073 of 2018. The appeal specifically challenges the quantum of compensation awarded by the Tribunal.

2.The brief facts of the case are that on 02.05.2018, around 12.30 p.m., a 20 year old named Dhinakaran was riding his motorcycle with his friend on the pillion. The motorcycle, bearing registration No.PY-01-AQ-0175 was hit and crushed by a bus belonging to the appellant herein bearing registration No.TN-32-N-4162. Unfortunately, Dhinakaran died on the same day due to the injuries suffered. Hence, the mother and sister of the deceased approached the Tribunal seeking a compensation of Rs.20,00,000/-. Since the deceased was prosecuting his B.B.A course, and was also engaged in a part time job, the Tribunal fixed the notional income of the deceased at Rs.7,500/-, to which it added another 40% based on the ratio in *National Insurance Company Limited vs. Pranay Sethi and Others*, [CDJ 2017 (SC) 1220] and arrived at a net compensation of Rs.13,14,000/-.



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3.The appellant corporation does not dispute the accident, but only questions the quantum of compensation paid, in particular, the notional income as fixed by the Tribunal.

4.Heard Mr.K.J.Sivakumar, the learned counsel for the petitioner, and Mr.R.Sreedhar, the learned counsel for the respondents.

5.This Court carefully perused the award passed by the Tribunal and finds that the notional income fixed at Rs.7,500/- for a student who has the prospects of making greater income than what is now notionally fixed is appropriate. This Court finds that there is hardly anything to interfere with in the award of the Tribunal. Hence, this Court is not inclined to interfere with this appeal.

6.The Civil Miscellaneous Appeal stands dismissed accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

09.10.2023

Anu

Index: Yes/No

Speaking Order / Non-Speaking Order



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Neutral Citation: Yes / No



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N.SESHASAYEE, J.

Anu

To

The Motor Accident Claims Tribunal,
II Additional District Judge, Puducherry.

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and C.M.P.No.1143 of 2022

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