



C.M.A.(MD)No.649 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.M.A.(MD)No.649 of 2022

and

C.M.P.(MD) No.5607 of 2022

The Managing Director,
M/s.TNSTC Madurai Limited,
Tiruchirapalli.

...Appellant/ Respondent

Vs.

1.N.Valarmathi

M.Natarajan (died)

2.N.Chandra Prakash

3.Sathyapriya

4.N.Shamugaraj

...Respondents/Claimants

PRAYER: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the impugned award passed in M.C.O.P.No. 5524 of 2013 dated 10.01.2020 on the file of the MACT (Special District Judge), Tiruchirapalli.

For Appellant : Mr. P.M.Vishnuvarthanan

For Respondents : Mr.K.P.Narayanakumar



JUDGMENT

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This Civil Miscellaneous Appeal has been filed challenging the quantum fixed by the Motor Accident Claims Tribunal (Special District Judge), Tiruchirapalli in M.C.O.P.No.5524 of 2013 dated 10.01.2020. Except the quantum of compensation fixed by the tribunal, no other aspects have not been challenged in this appeal.

2.The brief facts, leading to the filing of this Civil Miscellaneous Appeal, are as follows:-

(i) For the sake of convenience, the parties are referred to herein, as per their rank before the Trial Court.

(ii) The deceased is aged about 21 years at the time of accident and he was doing construction contract works, Centering works with the Civil Engineers independently as well as attached with Jothi Construction in Trichy. He was earning a sum of Rs.15,000/- per month. While the deceased was riding his motorcycle on 13.11.2012 at about 19.00 hours, the offending bus bearing Registration No.TN 45 N 3309 came in an opposite direction and in a rash and negligent manner dashed against the deceased as a result of which, the deceased succumbed to injuries.



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3.The first and second petitioner are the parents of the deceased. The petitioners 3 to 5 are the legal heirs of the second petitioner. The second petitioner died during the pendency of the claim petition and hence, the legal heirs of the second petitioner were brought on record before the Tribunal by filing necessary application.

4.The tribunal after appreciating the entire evidence and documents adduced on both sides, has fixed the notional income of the deceased at Rs.15,000/-. The Tribunal while fixing the income at Rs.15,000/- took note of the cost inflation index of the year 2012 and accordingly, the notional income of the deceased was fixed at Rs.72,000/- per annum. Considering the age of the deceased, the tribunal also fixed 40% of the income of the deceased as future prospects as per the dictum laid down by the Hon'ble Supreme Court in ***National Insurance Company Limited vs. Pranya Sethi and others*** reported in **2017 (2) TNMAC 609 (SC)**.

5.After making relevant deductions, the Tribunal has also fixed the compensation as follows:



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S.No.	Heads	Amount
1.	Loss of Dependency	Rs. 11,42,400/-
2.	Love and Affection	Rs. 30,000/-
3.	Loss of Estate	Rs. 15,000/-
4.	Transportation	Rs. 6,000/-
5.	Funeral Expenses	Rs. 15,000/-
	Total	Rs. 12,08,400/-

6. Considering the entire evidence adduced before this Court and the manner in which the notional income was fixed by the Tribunal, this Court does not find any infirmity or irregularity in the judgment rendered by the Claims Tribunal. The quantum of compensation fixed by the tribunal is well reasonable and the same does not warrant any interference. Accordingly, this Civil Miscellaneous Appeal is dismissed.

7. The appellant is directed to deposit the entire compensation amount as awarded by the Tribunal with accrued interest and costs to the credit of M.C.O.P.No.5524 of 2013, on the file of the Motor Accident Claims Tribunal / Special District Court, Tiruchirappalli within a period of one month from the date of receipt of a copy of this judgment, less the amount, if any already deposited. On such deposit, the claimants are permitted to withdraw the said amount as



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apportioned by the Tribunal, less the amount, if any already withdrawn, by making necessary application before the Tribunal. No costs. Consequently, connected miscellaneous petition is closed.

09.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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To

- 1.The Motor Accident Claims Tribunal
(Special District Court),
Tiruchirappalli.
- 2.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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N.SATHISH KUMAR, J.

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