



C.M.A.(MD)No.246 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.07.2023**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

C.M.A.(MD)No.246 of 2021

and

C.M.P.(MD)Nos.2082 & 3352 of 2021, 5837 and 10048 of 2022

The Managing Director,
M/s.Tamil Nadu State Transport Corporation
(Kumbakonam Division II) Ltd.,
Periyamilaguparai,
Trichy.

...Appellant

/Vs./

1.Vishalakshi
2.Karthick
3.Eswari

...Respondents

PRAYER:- Appeal - filed under Clause 137 of the Motor Vehicles Act, 1988, to set aside the judgment and decree passed by the Motor Accident Claims Tribunal, Sub Court, Thuraiyur, in MCOP No.42 of 2018 dated 04.07.2019.

1/6



WEB COPY



C.M.A.(MD)No.246 of 2021

For Appellant : Mr.D.Sivaraman

For Respondents : Mr.N.Sudhagar Nagaraj

JUDGMENT

(Judgment of the Court was made by **DR.ANITA SUMANTH, J.**)

The appellant in this appeal is the Tamil Nadu State Transport Corporation, which has challenged the judgment and decree of the Motor Accident Claims Tribunal, Sub Court, Thuraiyur in MCOP No.42 of 2018 dated 04.07.2019.

2. The only ground of appeal relates to quantification of the amount awarded and it is the claimants' case that the Tribunal has erred in following the multiplier method, and ought to have followed the split multiplier method instead, adopting different rates for pre and post the date of superannuation of the victim.

3. This argument is liable to be rejected as the split multiplier method has been found to be erroneous by the Hon'ble Supreme Court in



C.M.A.(MD)No.246 of 2021

R.Valli and Others vs. Tamil Nadu State Transport Corporation Ltd.

(2022 (1) TN MAC 289 (SC)). The exact issue as put forth by the appellant herein was considered by the Hon'ble Supreme Court in that case.

4. The submission made by the appellant has been captured at para 5 and after consideration of several judgments in the context of the proper methodology to be followed including *Sarla Verma and Others vs. Delhi Transport Corporation and Another* (2009 (6) SCC 121 confirmed in *Reshma Kumari and others v. Madan Mohan and another* (2013 (9) SCC 65) and *National Insurance Company Ltd., v. Pranay Sethi* (2017 (16) SCC 680), the Court has proceeded on the basis of the law as enunciated in the case of *National Insurance Company Ltd., v. Pranay Sethi* (2017 (16) SCC 680) holding that the ratio of the earlier cases applying split multiplier are no longer good law.

5. At para 10, they also refer to the judgment of three Hon'ble judges in *United India Insurance Company Limited vs. Satinder Kaur*



C.M.A.(MD)No.246 of 2021

alias Satwinder Kaur and others (2020 SCCOnline SC 410), which has applied the multiplier methodology consistent based on the age of the deceased, irrespective of whether he was bachelor or a married man. At para 11, the Bench summarizes their conclusion as follows:

“11. Thus, we find that the method of determination of Compensation applying two Multipliers is clearly erroneous and run counter to the Judgment of this Court in Pranay Sethi, affirming the Judgment in Sarla Verma. Since the deceased was 54 years of age on the date of incident, therefore, the suitable multiplier would be 11 as per the Judgment of this Court in Sarla Verma approved by this Court in Pranay Sethi.”

6. In view of the aforesaid, the contention of the appellant is liable to be rejected and we do so. This Civil Miscellaneous Appeal is dismissed. With this, the claimants become entitled to seek withdrawal of the amount deposited, in entirety.

7. Vide interim order passed at the time of admission on 04.03.2021, the appellant has been asked to deposit 50%, ie., 50 lakhs together with proportionate accrued interest and costs to the credit of MCOP No.42 of 2018 before the Sub Court, Thuraiyur.



C.M.A.(MD)No.246 of 2021

WEB COPY

8. Mr.Sivaraman, learned counsel for the appellant corporation seeks another eight weeks to deposit the balance and is granted the same. The period of eight weeks will commence from the date of uploading of this order in the official website of this Court.

9. The petitioner is at liberty to seek deposit of the 50% already deposited forthwith, and the balance, upon conclusion of the eight weeks as permitted in the paragraph supra. C.M.P.(MD)Nos.5837 and 10048 of 2022 are allowed accordingly. No costs. Consequently, other Civil Miscellaneous Petitions are closed.

[A.S.M.J.] & [R.V.J.]
13.07.2023

NCC :Yes/No

Index :Yes/No

Internet :Yes

sm

Note: **Issue order copy on 27.07.2023.**



WEB COPY



C.M.A.(MD)No.246 of 2021

DR.ANITA SUMANTH, J.
AND
R.VIJAYAKUMAR, J.

sm

TO:

- 1.The Motor Accident Claims Tribunal / Sub Court, Thuraiyur.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

Judgment made in
C.M.A.(MD)No.246 of 2021

Dated:
13.07.2023