



WEB COPY



C.M.A.No.41 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2024

CORAM

THE HON'BLE MRS. JUSTICE R. HEMALATHA

C.M.A.No.41 of 2023

1.G.Kala
2. G.Vedagiri
3.G.Raj
4.G.Rajeswari

... Appellants

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation (VPM) Ltd.,
No.3 / 137, Salamedu, Vazhutha Reddy and Post
Villupuram Taluk - 605 104.

... Respondent

PRAYER: Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicles Act, 1988 challenging the Judgment and Decree dated 13.10.2022 made in M.C.O.P. No.1894 of 2021 on the file of the Motor Accidents Claims Tribunal, Chief Judge, Court of Small Causes, Chennai.

For Appellants : Ms.Ramya V. Rao

For Respondent : Mr.C.R.Suresh Kumar

JUDGMENT

The appellants are the claimants in M.C.O.P. No.1894 of 2021 on the file of the Motor Accidents Claims Tribunal, Chief Judge, Court of Small



WEB COPY

Causes, Chennai. They filed the claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation of Rs.60,00,000/- for the death of one Gajendran (husband of claimant 1; father of claimants 2 to 4) in a road accident that took place on 03.03.2021.

2. The brief case of the appellants / claimants is as follows :

On 03.03.2021, Gajendran (deceased) was travelling as a passenger in a bus bearing registration No.TN 32 N 4614 belonging to the Tamil Nadu State Transport Corporation (VPM) Ltd., on Chennai - Puducherry East Coast Road. The driver of the bus drove the vehicle rashly and negligently, as a result of which Gajendran (deceased) was thrown out of the bus and sustained multiple injuries all over his body. He was immediately rushed to the Hospital. However, he succumbed to injuries on 12.03.2021.

3. According to the claimants, the rash and negligent driving of the driver of the bus belonging to the Tamil Nadu State Transport Corporation (VPM) Ltd. was the cause of the accident and therefore, they are liable to pay compensation to them.



WEB COPY

4. The Tamil Nadu State Transport Corporation (VPM) Ltd. filed a counter and the Tribunal after analysing the evidence on record awarded a sum of Rs.20,72,420/- towards compensation together with interest at the rate of 7.5% per annum from the date of petition till the date of realisation, vide its order dated 13.10.2022.

5. Aggrieved over the quantum of compensation awarded by the Tribunal, the claimants have filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

6. Heard Ms.Ramya V.Rao, learned counsel appearing for the appellants and Mr.C.R.Suresh Kumar, learned counsel for the Tamil Nadu State Transport Corporation (VPM) Ltd., the respondent.

7. Ms.Ramya V.Rao, learned counsel appearing for the appellants / claimants contended that though the deceased was a driver by profession, earning a sum of Rs.48,000/- per month, the Tribunal has fixed only a sum of Rs.15,500/- as monthly income of the deceased. She, therefore, prayed for enhancement of compensation.



WEB COPY

8. Per contra, Mr.C.R.Suresh Kumar, learned counsel for the Tamil Nadu State Transport Corporation (VPM) Ltd., the respondent submitted that the Tribunal has rightly fixed the notional monthly income of the deceased at Rs.15,500/- and therefore, no interference is called for by this Court.

9. It is seen from the records that the deceased was aged about 55 years on the date of the accident and according to the claimants, the deceased was a Lorry Driver in Raymi Concrete India Pvt. Ltd.. The claimants did not adduce the salary certificate issued by the said Raymi Concrete India Pvt. Ltd.. However, the passbook of the deceased (Ex.P11) shows a sum of Rs.15,518/- was credited to the account of the deceased every month and therefore, the Tribunal rightly fixed the monthly income of the deceased at Rs.15,500/-. Since the age of the deceased was 55 years, the proper multiplier to be adopted in the instant case is '11'. The award passed by the Tribunal under various heads is extracted hereunder:



<i>Heads</i>	<i>Amount awarded by the Tribunal in Rs.</i>
Monthly Salary Rs.15,500/- Add: 10% Future Prospects (i.e., Rs.1,550/-) = Rs.15,500/- (+) Rs.1,550/- = Rs.17,050/- x 12 x 11 x 3/4	16,87,950
Medical Expenses	1,94,470
Loss of Estate	15,000
Loss of Consortium (Rs.40,000/- (each) x 4)	1,60,000
Total	20,72,420

10. Thus, it is seen that the Tribunal has properly awarded a sum of Rs.20,72,420/- to the claimants towards compensation. Therefore, the present appeal fails and stands dismissed. No Costs.

19.08.2024

Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
ab



WEB COPY



C.M.A.No.41 of 2023

R. HEMALATHA. J.,

ab

To

1. The Motor Accidents Claims Tribunal, Chief Judge, Court of Small Causes, Chennai.
2. The Section officer, Record Section, High Court of Madras.

C.M.A.No.41 of 2023

**19.08.2024
(1/2)**