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C.M.A.No.717 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2024

C O R A M

THE HON'BLE MR. JUSTICE **KRISHNAN RAMASAMY**

C.M.A.No.717 of 2024

1.M.N.Swathy
2.M.N.Bushanam

...Appellant

Vs

The Managing Director,
Metropolitan Transport Corporation Ltd.,
Pallavan House,
Anna Salai, Chennai 600 002.

... Respondents

Prayer:

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to modify the impugned order dated 01.11.2023 in MCOP.No.4859 of 2019 by adequately enhancing the compensation awarded under various heads.

For Appellant : Mr.R.Dinesh Kumar

JUDGMENT

This civil miscellaneous appeal has been filed challenging the judgment



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and decree dated 01.11.2023 in MCOP.No.4859 of 2019.

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2. The learned counsel for the claimant would submit that on 06.08.2019, when the deceased was riding a Motorcycle bearing Registration No.TN-05-BK-6253, at Karthikeyan Salai, Peravallur, a bus bearing Registration No.TN-01-N-5693 came in a rash and negligent manner and dashed against him, due to which he was died on the spot. Considering all the aspects, the Tribunal had awarded the compensation in the following manner:

<i>S.No</i>	<i>Heads</i>	<i>Compensation (Rs.)</i>
1	Loss of Dependency	22,68,000
2	Loss of Estate	15,000
3	Loss of Consortium	80,000
4	Funeral Expenses	15,000
	Total	23,78,000

3. The main contention of the learned counsel for the appellant is with regard to the quantum of compensation awarded by the Tribunal. The accident was occurred in the year 2019 and at the time of accident, the deceased was studying II year B.Com. However, without considering the same, the Tribunal had fixed the notional income as a sum of Rs.15,000/-. Hence, he requests this



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Court to enhance the same.

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4. Heard the learned counsel for the appellant and also perused the documents available on records.

5. In the present case, the accident was occurred in the year 2019 and at the time of accident, the deceased was studying II year B.Com. Further, no proof was produced by the claimants with regard to the income of the deceased. Under such circumstances, the Tribunal had rightly awarded a sum of Rs.15,000/- as notional income of the deceased and awarded the compensation towards loss of income by adding 40% towards future prospects, by applying 18 as multiplier and by deducting 50% towards personal expenses of the deceased. Hence, the same appears to be just and reasonable. In such case, this Court does not find any force in the submission made by the learned counsel for the appellant. Therefore, the award passed by the Tribunal stands confirmed and the present appeal is liable to be dismissed.

6. In the result, this Civil Miscellaneous Appeal is dismissed and the



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respondent is directed to deposit the amount awarded by the Tribunal along with interest and costs, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this judgment, to the credit of MCOP.No.4859 of 2019 on the file of the Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai. Upon such deposit, the Tribunal is directed to transfer the award amount to the claimants to their respective bank accounts, by way of RTGS, within a period of three weeks from the date of deposit and receipt of the Bank details obtained from the claimants. No costs.

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Index: Yes/No
Internet: Yes/No
Speaking order/Non-speaking order
nsa



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KRISHNAN RAMASAMY,J.

nsa

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