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CMA.Nos.1499 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

CMA.No.1499 of 2023

The Managing Director, Metropolitan Transport Corporation
Limited, Chennai-2

Appellant

Vs

1. Vembarasi
2. G.Kumar

Respondents

Prayer:- This Civil Miscellaneous Appeal has been filed, against the judgement and decree, dated, 12.09.2022, made in MCOP.No.202 of 2018, by the IV Court of Small Causes (MACT) Chennai.

For Appellant : Mr.M.Murali Vinodh

For Respondents : Mr.S.Ranjith Kumar-RR1 and 2

JUDGEMENT

1. This Civil Miscellaneous Appeal has been filed, by the Appellant Insurance Company, against the judgement and decree, dated, 12.09.2022, made in MCOP.No.202 of 2018, by the IV Court of Small Causes (MACT) Chennai.
2. The Respondents herein, who are the parents of the deceased Saravanakumar, have filed the claim petition before the Tribunal, seeking a compensation of Rs.20,00,000/-, on various heads, for the death of the deceased, who died in a motor road accident, which had happened on 06.10.2017. The claim petition was resisted by the Appellant Transport



Corporation, by filing a counter. On the side of the claimants, PW.1 and PW.2 were examined and Ex.P1 to Ex.P8 were marked. On the side of the Appellant Transport Corporation, RW.1 was examined. And Ex.R1 was marked.

3. Finding that the accident had occurred only due to the rash and negligent driving of the driver of the offending bus belonged to the Appellant Corporation, the Tribunal has awarded a total compensation of Rs.13,36,100/-, on various heads, with interest at 7.5% p.a. from the date of the claim petitions till the date of realization, to be payable by the Appellant Transport Corporation, as detailed below:-

S.No	Category	Award Amount (Rs.)
1	Loss of Dependency	1209600
2	Loss of Consortium	88000
3	Loss of Estate	16500
4	Funeral Expenses	16500
5	Transportation Expenses	5500
Total Compensation		1336100

Aggrieved by the quantum of compensation, this Civil Miscellaneous Appeal has been filed by the Appellant Transport Corporation.

4. This Court heard the learned counsel for the Appellant and the contesting Respondents, considered their submissions and also perused the entire materials placed on record.
5. Since there is no quarrel over the manner, in which the accident had occurred, negligence aspect and the liability aspect as well and the dispute is only with regard to the quantum of compensation, the findings of the Tribunal with respect to the manner of the accident, negligence aspect and liability



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aspect are confirmed and also it is not necessary to narrate the entire facts in detail in respect of the accident.

6. According to the learned counsel for the claimants, at the time of the accident, the deceased was aged 15 years old at the time of the accident and he was a student, studying 10th Standard and the parents of the deceased were aged 30 and 50 years old respectively and therefore, the impugned compensation is just and reasonable and hence, it need not be interfered with.
7. Though the learned counsel for the Appellant has disputed the entire quantum of compensation, he has confined his arguments only to the extent of fixation of notional monthly income of the deceased by the Tribunal.
8. Time and again, in number of cases, this Court, by taking the number of dependants and the performance of a student in his school studies, fixed the notional monthly income at Rs.15,000/- p.m. even for a student, studying 8th or 9th Standard. In this case, the accident had happened in the year 2017 and the deceased was studying 10th Standard at the time of the accident. Therefore, the Tribunal has rightly fixed the notional monthly income of the deceased at Rs.7,000/- and accordingly, arrived at the total loss of dependency and awarded compensation under other heads, as stated above and it cannot be stated to be on the higher side. This Court does not find any error or infirmity in arriving at the loss of dependency by the impugned judgement and decree, which warrants interference by this Court. The compensation amounts awarded under the other heads are also reasonable



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KRISHNAN RAMASAMY, J.

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and hence, they are confirmed. There is no merit in this appeal to interfere with the impugned judgement and decree of the Tribunal.

9. In fine, this Civil Miscellaneous Appeal is dismissed, confirming the impugned judgement and decree of Tribunal. No costs.

22.02.2024

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Neutral Citation
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To

1. The Court of Small Causes (MACT) Chennai
2. The Record Keeper, VR Section, High Court, Madras

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