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CMA.No.973 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2024

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

C.M.A.No.973 of 2024

1. Nagaraj
2. Devi

.... Appellants

vs.

M. Ravichandran (died)

1. The Managing Director,
Tamil Nadu State Transport Corporation
No.37, Mettupalayam Road,
Coimbatore.

.. Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Award dated 06.12.2023 in M.C.O.P.341/2015 on the file of the Motor Accident Claims Tribunal, Dharapuram.

For Appellants : Mr. N. Ponraj

For Respondent : Mr.M. Murali Vinodh



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JUDGMENT

The appellants are the claimants in M.C.O.P.341/2015 on the file of the Motor Accident Claims Tribunal, Dharapuram. They filed the claim petition under Section 166 of the Motor Vehicles Act, seeking compensation of Rs.25,00,000/- for the death of their son N. Maniprabhu in a road accident that occurred on 24.09.2014.

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

2.1. On 24.09.2014 Maniprabhu (since deceased) was travelling in his Hero Honda Splendor Motorcycle bearing Registration number TN 36 AA 1687 on Tiruppur-Mangalam Road and at about 8.45 p.m., when he was nearing Diamond theater, a speeding bus bearing Registration Number TN 38 N 1609, belonging to the respondent Tamil Nadu State Transport Corporation, came in the opposite direction and hit his two wheeler resulting in his instantaneous death.



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3. According to the claimants, the rash and negligent driving of the driver of the bus bearing Registration Number T TN 38 N 1609 belonging to the Tamil Nadu State Transport Corporation Limited was the cause of the accident and therefore they are liable to pay compensation to them.

4. The respondent Tamil Nadu State Transport Corporation Limited resisted the claim petition by filing its counter.

5. The Tribunal after analysing the evidence on record fastened negligence on the part of the driver of the bus bearing Registration Number TN 38 N 1609 and directed the respondent Tamil Nadu State Transport Corporation Limited to pay compensation of Rs.8,40,000/- to the second claimant together with interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

6. Aggrieved over the quantum of compensation awarded by the Tribunal, the claimants have filed the present appeal under Section 173



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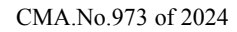
of the Motor Vehicles Act, 1988.

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7. Heard Mr. N. Ponraj, learned counsel appearing for the appellants and Mr. M. Murali Vinodh learned counsel appearing for the respondent Tamil Nadu State Transport Corporation.

8. Mr.N. Ponraj, learned counsel appearing for the appellants contended that Maniprabhu (since deceased) was working as a Supervisor in a private concern earning a sum of Rs.8,500/- per month. However, the Tribunal fixed the notional monthly income of the deceased only as Rs.5,000/-. He therefore, prayed for enhancement of compensation.

9. Per contra, Mr.M. Murali Vinodh, learned counsel appearing for the respondent/Tamil Nadu State Transport Corporation contended that the Award passed by the Tribunal is based on the well laid down principles of law which were in vogue at the time of passing of the order and therefore, the same need not be disturbed in the present appeal.



Calculation

After 1/2 deduction = Rs.5,950/-



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$$= \text{Rs.}5,950/- \times 12 \times 18$$

$$= \text{Rs.}12,85,200/-$$

In addition to that the claimants are entitled to get Rs.80,000/- (40,000 x 2), Rs.15,000/- and Rs.15,000/- for 'loss of Consortium', 'loss of Estate' and 'Funeral Expenses' respectively as per the decision in ***National Insurance Co. vs Pranay sethi and others*** (cited supra).

10.1. The enhanced amount under the different heads are detailed hereunder:

<i>S.No.</i>	<i>Head</i>	<i>Amount granted by this court (Rs.)</i>
1.	Loss of dependency	12,85,200/-
2.	Loss of consortium (Rs.40,000/- x 2)	80,000/-
3.	Funeral expenses	15,000/-
4.	Loss of Estate	15,000/-
	Total	13,95,200/-

This amount shall carry interest at the rate of 7.5% per annum from the



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date of claim petition till the date of deposit.

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11. In the result,

- i. The Civil Miscellaneous Appeal is partly allowed. No costs.
- ii. The compensation awarded by the Tribunal is enhanced to Rs.13,95,200/-.
- iii. The appellants / claimants are directed to pay court fee for the enhanced compensation amount, if any, within a period of four weeks from the date of this order and the Registry is directed to draft the decree only after receipt of the Court fee.
- iv. The respondent, the Tamil Nadu State Transport Corporation Limited, Coimbatore, is directed to deposit the enhanced compensation amount of Rs. 13,95,200/- (less the amount already deposited) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of M.C.O.P.341/2015 on the file of the Motor Accident Claims



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Tribunal, Dharapuram, within a period of four weeks from the date of receipt of a copy of this order/uploading of this order.

- v. On such deposit being made, the second claimant is at liberty to withdraw the same after filing proper petition for withdrawal.

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Index : Yes/No
Speaking/Non-speaking order
bga

To

1. Motor Accident Claims Tribunal, Dharapuram,
2. The Managing Director,
Tamil Nadu State Transport Corporation
No.37, Mettupalayam Road,
Coimbatore.
3. The Section Officer, VR Section, Madras High Court, Chennai.



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R.HEMALATHA, J.

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