



CMA No.1312 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.1312 of 2022

1.Veerammal
2.Rameshkumar
3.Suganya

.. Appellants

.Vs.

1.Ganesha Murthy
2.The Managing Director
Tamilnadu State Transport Corporation Ltd.,
No.37, Mettupalayam Road
Coimbatore-641 046.

.. Respondents

Prayer : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to enhance the award amount in the order dated 16.2.2022 made in M.A.C.T.O.P.No.305 of 2020, on the file of the Motor Vehicle Accident Claims Tribunal/IV Additional District Judge, Coimbatore.

For Appellants : Mr.T.S.Arthanareeswaran

For Respondents : Mr.P.Karunanithi [R2]

No Appearance [R1]



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JUDGMENT

This appeal has been filed by the claimants seeking for enhancement of compensation against the award passed by the Motor Vehicle Accident Claims Tribunal/IV Additional District Judge, Coimbatore in MCOP No.305 of 2020, dated 16.2.2022.

2.The case of the claimants is that the deceased Selvaraj was walking as a pedestrian in Coimbatore to Ukkadam Road on 30.4.2019 and at about 7.45 pm., the vehicle driven by the 1st respondent in a rash and negligent manner had hit the deceased as a result of which he sustained grievous injuries and died. It is under these circumstances, the claimants who are the wife and children filed a claim petition before the Tribunal seeking for compensation.

3.The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the offending vehicle was driven in a rash and negligent manner and was the cause for the accident. Having rendered such a finding, the Tribunal proceeded to fix the compensation. The total compensation was fixed at Rs.15,44,400/- in the following manner:



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S.No	Under the Head	Calculation	Amount
1	Monthly Income (Monthly income + Future prospects 10%)	(Rs.14,250/- + 1425/-)	Rs.15,675/-
2	Deduction of 1/3rd for his personal expenses	Rs.15,675/- Rs. 5,225/-	Rs. 10,450/-
3	Annual Income	Rs.10,450 x 12	Rs.1,25,400/-
4	Loss of dependency after applying multiplier 11	Rs.1,25,400/- x 11	Rs.13,79,400/-
5.	Compensation		
i)	Loss of dependency		Rs.13,79,400/-
ii)	Funeral expenses		Rs. 16,500/-
iii)	Loss of Estate		Rs. 16,500/-
iv)	Loss of consortium -Spousal consortium to 1st petitioner Rs.44,000/- Parental consortium to the 2nd and 3rd petitioners, each Rs.44,000/-		Rs.1,32,000/-
	Total Award amount		Rs.15,44,400/- -



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4.The claimants not being satisfied with the quantum of compensation fixed by the Tribunal have filed the present appeal seeking for enhancement of compensation.

5.Heard Mr.T.S.Arthanareeswaran, learned counsel for the appellants, Mr.P.Karunanithi, learned counsel for the 2nd respondent. The name of the 1st respondent has been printed in the cause list. There is no representation either in person or through counsel.

6.This Court has carefully considered the submissions made on either side and perused the materials available on record. This Court had also carefully gone through the award passed by the Tribunal.

7.In the instant case, the main ground that was urged by the learned counsel for the appellants is with regard to the notional income that was fixed by the Tribunal. The deceased in this case was aged about 52 years at the time of accident and he was self employed as a load man. The Tribunal had fixed the monthly income at Rs.14,250/- and added 10% towards future prospects. This income that was fixed by the Tribunal cannot be considered to be unreasonable. That apart, the Tribunal has also fixed appropriate compensation under the other heads also. The same does not require the interference of this Court.



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8.This Court does not want to enhance the compensation granted by the Tribunal and accordingly, the award passed by the Tribunal is sustained.

9.In the result, this civil miscellaneous appeal is dismissed. The amount that has been already deposited by the 2nd respondent Corporation shall be permitted to be withdrawn by the appellants in the manner indicated in the award passed by the Tribunal. No costs.

12.04.2024

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
KP

To

1. IV Additional District Judge
(Motor Vehicle Accident Claims Tribunal)
Coimbatore.
- 2.The Managing Director
Tamilnadu State Transport Corporation Ltd.,
No.37, Mettupalayam Road
Coimbatore-641 046.



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N. ANAND VENKATESH., J
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