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C.M.A.No.2864 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2024

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.2864 of 2021

1.Kandathil Varughese Mathew

2.Daisamma Mathew

... Appellants

..Vs..

The Managing Director
State Express Transport Corporation Ltd
Thiruvalluvar House, Pallavan Salai
Chennai-600 002.

...Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the award and decree dated 29.07.2021 passed in M.C.O.P No.625 of 2016 on the file of the Motor Vehicle Accident Claims Tribunal / I Additional District and Sessions Judge, Cuddalore.

For Appellants : M/s.Ramya V.Rao

For Respondent : No Appearance



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J U D G M E N T

This appeal has been filed by the claimants seeking enhancement of compensation.

2. The respondent has been duly served in this appeal and they remain unrepresented.

3. The claimants are the parents of the deceased who was a Dental College Student doing his final year BDS course. He was also serving as an Assistant to a Senior Doctor. The accident happened in the year 2015 and he died as a result of an accident caused due to the rash and negligent driving by the driver of the bus owned by the respondent/Transport Corporation. The Respondent/Transport Corporation has not filed any appeal aggrieved by the adverse findings of negligence by the Tribunal under the impugned award.

4. The Tribunal under the impugned award has fixed the notional



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monthly income of the deceased at Rs.20,000/- after giving due consideration to the year of the accident as well as the fact that the deceased was a final year BDS student and was serving as an Assistant to a Senior Doctor. A Senior Doctor was also examined as witness (PW4) before the Tribunal. The Tribunal has also taken into consideration the various judgments of this Court while assessing the notional monthly income of the deceased at Rs.20,000/- This Court does not find any infirmity in the said finding, as it is based only on the evidence available on record.

5. The Tribunal has awarded a compensation of Rs.30,24,000/- to the appellants/claimants towards loss of income adopting the correct multiplier of 18 since the deceased was aged 24 years. Being a bachelor, the Tribunal has rightly deducted 50% towards personal expenses of the deceased. Therefore, the assessment of the compensation at Rs.30,24,000/- to the appellants towards loss of income is a correct assessment. The compensation awarded by the Tribunal under various other heads namely loss of love and affection at Rs.30,000/- and Rs.5,09,254/- towards medical bills which is supported by medical bills, Rs.15,000/- towards transport



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expenses and another Rs.15,000/- towards funeral expenses, is a just compensation and the appellants/claimants are not entitled for any further enhancement.

6. For the foregoing reasons, the overall compensation of Rs.35,93,254/- awarded by the Tribunal under the impugned award is a just compensation and there is no scope for enhancement of the compensation in favour of the appellants/claimants as prayed for in this appeal.

7. In the result, there is no merit in this appeal. Accordingly, the Award and decree dated 29.07.2021 passed in M.C.O.P No.625 of 2016, on the file of the Motor Accident Claims Tribunal/I Additional District & Sessions Judge, Cuddalore stands confirmed and this Civil Miscellaneous Appeal stands dismissed. No costs.

18.06.2024

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

- 1.The Motor Vehicle Accident Claims Tribunal /
I Additional District & Sessions Judge,
Cuddalore.
- 2.The Section Officer
V.R.Section, High Court of Madras.



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ABDUL QUDDHOSE, J.

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