



CMA No.870 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.870 of 2023

1.Naagendiran

2.Nagaraj

3.Nagarani

.. Appellants

.Vs.

1.The Managing Director

Tamil Nadu State Transport Corporation Limited
Villupuram Division-II
Rangapuram, Vellore.

2.The Managing Director

Tamil Nadu State Transport Corporation Limited
Villupuram, Tiruvannamalai Region
Tiruvannamalai.

.. Respondents

Prayer : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the decree and judgment dated 19.07.2022 made in MCOP No.629 of 2017, on the file of the Motor Accident Claims Tribunal, Additional District Judge (Fast Track Court), Vellore.

For Appellants : Mr.C.Prabakaran

For Respondents : Mr.C.R.Suresh Kumar [R2]



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JUDGMENT

The claimants not being satisfied with the quantum of compensation have filed the present appeal against the award passed by the Motor Accident Claims Tribunal, Additional District Judge (Fast Track Court) Vellore in MCOP.No.629 of 2017, dated 19.07.2022.

2.The claimants, who are the sons and daughter of the deceased Muniyammal filed the claim petition on the ground that the deceased was walking on the road on 25.10.2016 at Santhanakottai Village and at about 6.20 p.m., the bus belonging to the respondent Corporation was driven in a rash and negligent manner and it dashed on the deceased. The deceased fell down and the bus ran over the deceased resulting in her instantaneous death. It is under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of 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 accident had taken place only due to the rash and negligent driving on the part of the driver of the bus belonging to the respondent Corporation.



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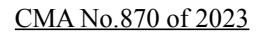
4.The Tribunal thereafter proceeded to fix the total compensation at Rs.4,46,000/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Total loss of dependency	3,36,000/-
2.	Loss of Love and Affection	75,000/-
3.	Loss of Estate	15,000/-
4.	Transport charges	5,000/-
5.	Funeral Expenses	15,000/-
	Total	4,46,000/-

5.The above compensation was directed to be paid with interest at the rate of 7.5% p.a.

6.The claimants not being satisfied with the quantum of compensation fixed by the Tribunal have filed this appeal before this Court seeking for enhancement of compensation.

7.Heard Mr.C.Prabakaran, learned counsel for the appellants and Mr.C.R.Suresh Kumar, learned counsel for R2- Transport Corporation.



9. The main ground urged by the learned counsel for the appellants pertained to the notional monthly income fixed by the Tribunal. Even though it was claimed that the deceased was an agricultural coolie and was earning a sum of Rs.10,000/- per month. There was no evidence regarding the avocation as well as the income earned by the deceased. The Tribunal has fixed the notional monthly income at Rs.6,000/-. This is clearly on the lower side. Considering the fact that the accident had taken place in the year 2016 and the deceased was aged about 62 years and the deceased has children, this Court is inclined to fix a sum of Rs.8,000/- as notional monthly income. Thus, the compensation under the head 'loss of come/dependency' is calculated as follows:

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Rs.4,48,000/-

10.The other issue pertains to the compensation fixed under the head 'loss of love and affection'. The Tribunal has fixed only a sum of Rs.75,000/- under this head. This Court is inclined to fix a sum of Rs.40,000/- for each of the claimants. Thus, a sum of Rs.1,20,000/- [Rs.40000/-* 3] is fixed under the head 'loss of love and affection'.

11.The compensation that has been fixed under the other heads are reasonable and it does not require the interference of this Court.

12.In the light of the above discussion, the compensation fixed by the Tribunal is modified as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Total loss of dependency [Rs.8000 * 12 * 7 – 1/3]	4,48,000/-
2.	Loss of Love and Affection (Rs.40,000 * 3]	1,20,000/-
3.	Loss of Estate	15,000/-
4.	Transport charges	5,000/-



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S.No	Compensation awarded under the head	Amount (in Rs.)
5.	Funeral Expenses	15,000/-
	Total	6,03,000/-

13.The compensation awarded by the Tribunal at Rs.4,46,000/- is enhanced to Rs.6,03,000/-. The 2nd respondent- Transport Corporation is directed to deposit the enhanced compensation, less the amount already deposited, together with interest @ 7.5% p.a., from the date of claim petition till the date of deposit within a period of four weeks from the date of receipt of this judgment. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellants/claimants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

14.In the result, the Civil Miscellaneous Appeal is partly allowed in the above terms. No costs.

31.07.2024



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

To

Motor Accident Claims Tribunal
Additional District Judge (Fast Track Court), Vellore.



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N. ANAND VENKATESH., J

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