



C.M.A(MD)No.1826 of 2013

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.1826 of 2013

1.S.Mehaboob Bivi
2.S.Roshanisha

... Appellants

(Petitioners 1 and 2 of unsound mind
represented by one S.Ameernisha, wife
of Shagul Hameed, Sister of the
deceased Akbar Basha)

Vs.

1.Kamatchi Sundaram

2.M/s.New Inida Assurance Company Limited,
Branch Office, Ibrahim Park,
Trichy-8.

3.The Managing Director,
Tamil Nadu Transport Corporation Limited,
Division-I, Salem.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, against the judgement and decree, dated 18.02.2011, made in M.C.O.P.No.1690 of 2005, on the file of the Motor Accident Claims Tribunal, III Additional Sub-Court, Trichy.



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For Appellant : Mr.B.Prasanna Vinoth
R1 : Dismissed
For R2 : Mr.K.Murugesan
For R3 : Mr.M.Prakash

JUDGMENT

The claimants have filed this Civil Miscellaneous Appeal.

2.It is a case of fatal. The only ground that was raised in the appeal is that the Tribunal has granted compensation by taking the age of mother of the deceased. It is a settled principle in the case of ***Sarla Verma Vs. Delhi Transport Corporation*** that the age of the deceased has to be taken for arriving at the compensation. In the present case, the age of the deceased is 28, hence, the applicable multiplier is '17'. Hence, the multiplier fixed by the Tribunal, ie., '8' is enhanced to '17' by this Court and the compensation granted under the head of loss of income is enhanced by this Court. The compensation granted under the other heads are confirmed. Therefore, this Court interfering in the impugned order that portion of the order wherein the wrong multiplier is fixed is set aside.

3.The enhanced award amount granted by this court is as under:



Sl.No.	Head of Compensation	Modified award granted by this Court	Award granted by the Tribunal
1.	Loss of Income (Rs.24,000 * 17)	Rs.4,08,000/- (enhanced)	Rs.1,92,000/- (Rs.24,000 * 8)
2.	Loss of Love and Affection (Rs.15,000/- * 2)	Rs.30,000/- (confirmed)	Rs.30,000/-
3.	Funeral Expenses	Rs.5,000/- (confirmed)	Rs.5,000/-
4.	Transport Expenses	Rs.5,000/- (confirmed)	Rs.5,000/-
Total compensation granted by this Court		Rs.4,48,000/- (enhanced)	Total = Rs. 2,32,000/-

Hence, the total compensation granted by the Tribunal, i.e., Rs.2,32,000/- is enhanced to Rs.4,48,000/- by this Court.

4. Therefore, the respondents 2 and 3 are directed to deposit Rs.4,48,000/- (respondents 2 and 3 shall deposit Rs.2,24,000/- each) with interest at the rate of 7.5% per annum and costs to the credit of M.C.O.P., on the file of claims Tribunal, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this judgment. Both the claimants are entitled to equal share in the compensation. Since the claimants are of unsound mind, the Tribunal has directed to deposit the compensation in two interest accruing accounts equally (since there are two claimants) in any Nationalized Bank and the representative of the claimants namely, S.Ameernisha is entitled to withdraw the interest amount from the said two accounts once in three months until the life time



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of the claimants in order to take care of the claimants. After the lifetime of the claimants, the amount shall be withdrawn by the said S.Ameernisha. Since this Court is enhancing the compensation, the claimants are liable to pay the balance Court fee, if any.

5. With the above said directions, the Civil Miscellaneous Appeal is allowed. No costs.

05.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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- 1.Motor Accident Claims Tribunal,
III Additional Sub-Court, Trichy.
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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