



C.M.A(MD)No.159 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.02.2024**

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.159 of 2022

1.P.Mookan Periyandi
2.M.Pandiammal

... Appellants

Vs.

The Managing Directors,
Tamil Nadu State Transport Corporation Limited,
Madurai Dindigul Region,
Bye Pass Road, Collectorate Post,
Dindigul-624 004.

... Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, against the order, dated 05.10.2020, passed in M.C.O.P.No.607 of 2018 on the file of the Motor Accident Claims Tribunal District and Sessions Court for Communal Clash Cases, Madurai.

For Appellants : Mr.PT.S.Narendravasan
For Respondent : Mr.K.Sudaliayandi



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JUDGEMENT

This appeal is filed by the claimants against the award passed by the Tribunal.

2.It is the case of fatal. The contention of the appellants is that the deceased Sanjay is only 15 years old and in view of his age, multiplier of 18 is applicable. But the Tribunal has wrongly fixed the multiplier as 15 while awarding the compensation. On perusing the evidence it is seen that the deceased is 15 years and hence the multiplier of 18 is applicable and hence the Tribunal had erred in applying wrong multiplier.

3.The next contention is that the Tribunal has fixed the notional income as Rs.6000/-. Generally, when the income certificates and other evidence are not available, the notional income ought to be fixed as Rs. 8,000/-. Therefore, the Tribunal has erred in fixing the notional monthly income of the deceased as Rs.6000/- and this Court is fixing the same as Rs.8,000/-.



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4.The modified award amount is as under:

i.	Monthly income of the deceased	Rs.8,000/-
	1/2 of income deducted towards personal expenses	Rs.8000 /- – Rs.4000/- = Rs.4,000/-
	After deduction	Rs.4,000/-

Sl. No	Head of Compensation	Award granted by the Tribunal	Modified award granted by this Court
1.	Loss of Pecuniary Benefits	Rs.5,40,000/-	Rs. 8,64,000/- (enhanced)
2.	Loss of Estate	Rs.15,000/-	Rs.15,000 /- (confirmed)
3.	Funeral Expenses	Rs.15,000/-	Rs.15,000/- (confirmed)
4.	Loss of Love and Affection	Rs.40,000/-	Rs.40,000/- (confirmed)
5.	Medical Bills	Rs.2,08,654/-	Rs. 2,08,654/- (Confirmed)
Total compensation granted by this Court		Rs.8,19,000/- (Rounded off)	Total = Rs. 11,42,654/- (enhanced)



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5.The respondent shall deposit Rs.11,42,654/- (Rupees Eleven Lakh Forty Two Thousand Six Hundred and Fifty Four only) 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 eight weeks from the date of receipt of a copy of this judgment. On such deposit, the claimants are permitted to withdraw their shares (claimants 1 and 2 are entitled to equal shares) with proportionate accrued interests and costs, less the amount already withdrawn by them, if any, by filing appropriate application before the Tribunal.

6.With the above said modification, this Civil Miscellaneous Petition is party allowed. No costs.

07.02.2024

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



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- To
- 1.Motor Accident Claims Tribunal,
Sessions Court for Communal Clash Cases,
Madurai.
 - 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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JUDGMENT made in
C.M.A(MD)No.159 of 2022

07.02.2024