



W.A.(MD) No.712 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2024

CORAM

JUSTICE N. SESHASAYEE

and

JUSTICE L.VICTORIA GOWRI

C.M.A.(MD) No.712 of 2020

and

C.M.P.(MD) No.7276 of 2020

Tamilnadu State Transport Corporation
Kumbakonam Ltd.,
Rep., by its Managing Director,
Having office at Periyamilaguparai,
Trichy.

... Appellant/Respondent

Vs.

1.Soundrarajan
2.Boopathi

... Respondents/Claimants

Prayer: Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the order dated 20.12.2019 passed in M.C.O.P.No.380 of 2018 on the file of the Motor Accident Claims Tribunal (District Court), Karur.



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For Appellant : Mr.P.M.Vishnuvarthanan
For Respondents : Mr.D.Nallathambi

JUDGMENT

(Judgment of the Court was delivered by N.Seshasayee, J.)

This appeal is preferred by the State Transport Corporation challenging the quantum of award passed by the Motor Accident Claims Tribunal, Karur in M.C.O.P.No.380 of 2018 for the death of a 24 year old Post Graduate in Engineering.

2. The victim was a passenger of the bus at the relevant time. On 10.09.2016, the bus in which the victim was travelling, met with an accident when it collided against another vehicle in front of it, which was already caught in an accident. The present victim of the accident was immediately removed to the hospital and she succumbed to her injuries two weeks later. Seeking compensation, the parents of the victim approached the Tribunal. Since the victim had passed her Post Graduation in Engineering, the Tribunal had reckoned her monthly income notionally at Rs.24,000/-. It may have to be



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underscored here that the victim was on her way back home after attending an interview. At Rs.24,000/- a month, applying 18 as multiplier and adding another 40% towards future profits in increase and income and reducing the sum arrived by half, providing for the personal expenditure of the victim, the Tribunal had arrived at the loss of dependency at Rs.36,28,800/- . After adding other conventional heads of compensation, the Tribunal had passed an award for Rs.46,36,520/-. The breakup is as below:

Description	Award amount
Loss of future income	Rs.36,28,800.00
Loss of estate	Rs. 15,000.00
Funeral expenses	Rs. 15,000.00
Medical and transport expenses	Rs. 7,77,720.00
Loss of love and affection	Rs. 2,00,000.00
Total compensation awarded	Rs.46,36,520.00

This is now under challenge.

3. Learned counsel appearing for the appellant submitted that the accident had occurred in an unfortunate circumstance when at least three vehicles one after the other dashed against each other and the first vehicle on the front



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collided with a stationery vehicle. He submitted that fixing notional income at Rs.24,000/- without any shred of paper to support the victim's potential for income is on higher side and the Tribunal should not have awarded Rs.2,00,000/- for loss of love and affection to the parents and it goes against the settled dictum of the Hon'ble Supreme Court.

4. Heard the learned counsel for the respondents.

5. The learned counsel for the respondents submitted that the victim had been hospitalised for about 18 days before she breathed at last and that in fitness of things, the Tribunal should have awarded reasonable compensation for her pain and sufferings which would eventually accrue to her estate.

6. After carefully weighing the rival submissions, this Court finds that Rs.22,000/- would have been fair and reasonable income which the victim of the accident might have earned. At that rate, applying all other criterion for determining the quantum of compensation, the loss of dependency would be Rs.33,26,400/- $[22,000 \times 12 \times 18 = \text{Rs.}47,52,000/-]$, adding 40% of future



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profits ie., Rs.19,00,800 (40% of 47,52,000), the total income is calculated as Rs.66,52,800/-. After deducting 50% towards personal expenses, the loss of income is Rs.33,26,400/- (6652800/2)]. So far as the loss of love and affection is concerned, the sum awarded is reduced to Rs.88,000/- from Rs. 2,00,000/-. So far as the compensation on the head of pain and sufferings is concerned, given the nature of injury suffered and the duration of her hospitalization, this Court deems it appropriate to award a sum of Rs. 1,00,000/- to the same. So the compensation now awarded will read as below:

Sl. No.	Description	Amount awarded by the Tribunal	Amount awarded by this Court	Award confirmed or reduced or granted
1	Loss of future income	Rs.36,28,800	Rs.33,26,400	Reduced
2	Loss of estate	Rs. 15,000	Rs. 15,000	Confirmed
3	Funeral expenses	Rs. 15,000	Rs. 15,000	Confirmed
4	Medical and transport expenses	Rs. 7,77,720	Rs. 7,77,720	Confirmed
5	Loss of love and affection	Rs. 2,00,000	Rs. 88,000	Reduced
6	Pain and sufferings	Nil	Rs. 1,00,000	Granted
7	Total compensation awarded	Rs.46,36,520	Rs.43,22,120	Reduced by Rs.3,14,400



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7. To end, this Civil Miscellaneous Appeal is partly allowed reducing the compensation from Rs.46,36,520/- to Rs.43,22,120/- with interest at the rate of 7.5% p.a. from the date of claim petition till the date of realization. The appellant / Transport Corporation is directed to deposit the reduced award amount, less the amount already deposited, if any, within a period of twelve weeks from the date of receipt of a copy of this judgment. The claimants are entitled to withdraw the reduced award amount along with proportionate accrued interest and cost, less the amount already withdrawn, if any, as per the apportionment and order made by the Tribunal and the compensation would be divided the same ratio in which the Tribunal has awarded. The Tribunal is directed to refund the excess amount, if any, to the appellant / Transport Corporation along with proportionate interest. No costs. Consequently, connected miscellaneous petition is closed.

(N.S.S., J.)

(L.V.G., J.)

14.06.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

- 1.The Motor Accident Claims Tribunal (District Court),
Karur.
- 2.VR Section,
Madurai Bench of Madras High Court,
Madurai.



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