



C.M.A(MD)No.179 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.04.2024**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.M.A(MD)No.179 of 2018
and
C.M.P(MD)No.16809 of 2023

1.Jeeva Thenmozhi

2.Sathya Seelan

3.Tamil Selvan

... Appellants/Petitioners

Vs.

Tamil Nadu State Transport Corporation,
Through its Managing Director,
Bye Pass Road,
Madurai.

... Respondent/Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgment and decree passed in M.A.C.O.P.No.1605 of 2013, dated 27.10.2015 on the file of the Motor Accident Claims Tribunal (III Additional District Judge), (P.C.R) Madurai and enhance the award amount of Rs.3,16,000/- and allow the appeal.

For Appellants : Mr.N.Sudhagar Nagaraj

For Respondent : Mr.P.Prabhakaran



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JUDGMENT

The appeal has been filed by the claimants seeking enhancement of the award passed in M.A.C.O.P.No.1605 of 2013 on the file of the Motor Accident Claims Tribunal (III Additional District Court), (P.C.R), Madurai.

2. According to the claimants, the deceased was aged about 61 years and he was working as a Watchman. At the time of the accident, in the year 2013, he was receiving pension from Army and Tamil Nadu Electricity Board. Before the Tribunal, the claimants have not filed any documents to establish the fact that, the deceased person was receiving pension from the army as well as from the Tamil Nadu Electricity Board. Therefore, the Tribunal has fixed the notional income at Rs.4,500/- per month. Challenging the same, the present appeal has been filed by the claimants seeking enhancement.

3. According to the learned Counsel appearing for the appellant, the accident having taken place in the year 2013, the notional income



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ought to have been fixed at least at Rs.8,000/- per month and the Tribunal ought to have granted enhanced amount under the other heads also.

4. Per contra, the learned Counsel appearing for the respondent herein had contended that the accident having taken place in the year 2013, the Tribunal has rightly taken into consideration, the notional income at Rs.4,500/- and in fact, it has granted compensation on the higher side with regard to the other heads. Therefore, the question of enhancement of compensation would not arise.

5. The appellants have filed C.M.P(MD)No.16809 of 2023 to receive additional documents. All these documents are xerox copies and this Court is not inclined to accept the xerox copies and the documents are dated prior to the filing of M.A.C.O.P proceedings. Therefore, this Court is not inclined to take into consideration those defendants. There are no merits in the application. Hence, C.M.P(MD)No.16809 of 2023 stands dismissed.

6. Considering the fact that the accident has taken place in the year 2013, this Court is of the opinion that the notional income could be fixed



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at Rs.6,000/- per month and after deducting 1/3rd towards personal expenses, the monthly income would be Rs.4,000/-. Applying the multiplier of 7, the total compensation under the head of loss of income would be Rs.3,36,000/-. This Court is of the considered opinion that the compensation awarded under the other heads are reasonable and does not require any interference.

7. In view of the above said facts, the award amount is re-assessed as follows:

S.No.	Head	Compensation
01.	Loss of Income	Rs.3,36,000/-
02.	Loss of Love and Affection	Rs.1,00,000/-
03.	Funeral Expenses	Rs.25,000/-
04.	Transport Charges	Rs.2,000/-
05.	Loss of Estate	Rs.5,000/-
	Total=	Rs.4,68,000/-



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8. The compensation awarded by the Tribunal is enhanced from Rs.3,84,000/- to Rs.4,68,000/-. In other respects, the award of the Tribunal stands confirmed.

9. The appeal stands partly allowed to the extent as stated above. The Transport Corporation is directed to deposit the balance amount along with accrued interest within a period of eight (8) weeks from the date of receipt of a copy of this judgment. There shall be no order as to costs.

18.04.2024

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

To

1.The Motor Accident Claims Tribunal
(III Additional District Judge), (P.C.R),
Madurai

2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J.

BTR

Judgment made in
C.M.A(MD)No.179 of 2018

18.04.2024