



C.M.A.(MD).No.237 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.M.A(MD)No.237 of 2018

Jeya Mary

... Appellant/Petitioner

-vs-

Tamil Nadu State Transport Corporation Limited,
Through its Managing Director,
Ranithottam,
Nagercoil.

... Respondent/Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the judgment and decree made in M.C.O.P.No.1126 of 2014, on the file of the Motor Accident Claims Tribunal, (III Additional District Court), Tirunelveli, dated 11.09.2015.

For Appellant : Mr.T.Selvakumaran

For Respondent : Mr.R.Rajamohan

J U D G M E N T

The present Civil Miscellaneous Appeal has been filed by the claimant challenging the award passed in M.C.O.P.No.1126 of 2014, on the file of the



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Motor Accident Claims Tribunal, (III Additional District Court), Tirunelveli,
seeking enhancement of compensation.

2. According to the claimant, the deceased was aged about 26 years and he was engaged in selling pre-owned Cars. According to the claimant, he was earning a sum of Rs.30,000/- per month.

3. The Tribunal has fixed the notional monthly income at Rs.9,000/- (Rupees Nine Thousand only) per month for an accident that had taken place in the year 2014 and has proceeded to fix the total compensation at Rs.9,58,000/- (Rupees Nine Thousand and Fifty Eight Thousand only). Challenging the same, the present appeal has been filed by the claimant.

4. The learned counsel appearing for the appellant relied upon the judgment of the Hon'ble Division Bench of our High Court reported in **2019 (1) TNMAC 54 (DB) (Andal and two others Vs. Avinav Kannan and another)** for fixing a sum of Rs.11,000/- (Rupees Eleven Thousand only) as notional monthly income for an accident that has taken place in the year 2014. Hence, he prayed for following the said notional monthly income in the present case also.



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5. Per contra, the learned counsel appearing for the respondent had contended that the award amount passed by the Tribunal is reasonable and there is no scope for any further enhancement.

6. I have carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.

7. In the claim petition, the claimant had contended that the deceased was engaged in the business of pre-owned Cars and he was earning a sum of Rs.30,000/- per month. Ex.P8, which is an agreement for purchasing the vehicles have been produced. However, these documents do not inspire the confidence of this Court. Therefore, this Court finds that it appropriate to rely upon the judgment of our High Court reported in **2019 (1) TNMAC 54 (DB) (Andal and two others Vs. Avinav Kannan and another)** wherein the monthly notional income is fixed at Rs.11,000/- (Rupees Eleven Thousand only) per month.



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8. Based upon the above said consideration, the award of the Tribunal is reassessed as follows:

Loss of income	:	Rs.15,83,040/-
Loss of Love and Affection	:	Rs. 40,000/-
Funeral Expenses	:	Rs. 15,000/-
Transportation charges	:	<u>Rs. 15,000/-</u>
Total	:	<u>Rs.16,53,040/-</u>

9. The award of the Tribunal is enhanced from Rs.9,58,000/- (Rupees Nine Lakhs Fifty Eight Thousand only) to Rs.16,53,040/- (Rupees Sixteen Lakhs Fifty Three Thousand and Forty only). The award amount shall carry interest at the rate of 7.5% per annum from the date of filing of the claim petition till the date of realization. The Transport Corporation is directed to deposit the award amount within a period of eight weeks from the date of receipt of a copy of this order. On such deposit, the claimant shall be entitled to withdraw the amount.



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10. Accordingly, this Civil Miscellaneous Appeal stands partly allowed to the extent as stated above. There shall be no order as to costs.

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

1. The Motor Accident Claims Tribunal,
(III Additional District Court),
Tirunelveli.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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