

Madras High Court

Tamil Nadu State Transport ... vs V.Rajammal on 20 January, 2010

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20/01/2010

CORAM

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

C.M.A No.221 of 2001

Tamil Nadu State Transport Corporation
(Maduri Division IV) Limited,
represented by its Managing Director,
Dindigul,
Formerly known as Rani Mangammal Transport
Corporation.

... Appellant

Vs.

1. V.Rajammal

2. V.Kaleeswari

3. V.Ayyanarsami

4. V.Thangeswaran

5. V.Shanmughavelpandiyan

6. I.Shanmugavel Thevar

... Respondents

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1998 against the judgment and decree dated 09.11.1999 made in M.A.C.O.P.No.251 of 1993, on the file of the Motor Accidents Claims Tribunal (Sub Judge), Periyakulam.

!For Appellant ... Mr.R.Baskara Pandiyan

^For Respondents ... Mr.Khan K.S.M.S Ibrahim

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:JUDGMENT

Transport Corporation has filed this Appeal, aggrieved over the award, 09.11.1999, made in M.A.C.O.P.No.251 of 1993, on the file of the Motor Accidents Claims Tribunal (Sub-Judge), Periyakulam.

2. The only contention made by the learned counsel for the appellant at the time of final hearing is that the income of the deceased fixed by the Tribunal at Rs.3,000/-p.m. is excessive and therefore, the compensation has to be reduced.

3. The accident in this case happened on 02.09.1992. The deceased was aged about 48 years, doing cotton business. The claimants are his wife, children and his father. The Tribunal was justified in fixing the monthly income of the deceased at Rs.3,000/-p.m., in view of the following decisions of this court:

(a) A Division Bench of this Court in B.Anandhi - vs. - Latha reported in 2002 ACJ 233 (P.SATHASIVAM,J., as he then was) observed that a coolie would earn Rs.100/- per day. In that case, the accident happened in the year 1995.

(b) The Apex Court in State of Haryana and another - vs. - Jasbir Kaur and others reported in 2004-1 Law Weekly, was of the view that an agriculturist would earn Rs.3,000/- per month. In that case, the accident happened in the year 1999.

4. In the above cited cases, the income of the deceased was taken at Rs.3,000/- per month where the person concerned were working as Coolie or agricultural labour, whereas, in the present case, the deceased was doing cotton business and supporting a large family and therefore, the income fixed at Rs.3,000/- per month is not excessive.

5. Since the income taken is very meagre and the fact that the compensation granted for loss of love and affection is also very low, the marginally higher multiplier "13" will compensate the same.

6. Appellant have not made out a case to reduce the compensation any further as also the interest granted at 12%,since the accident happened in the year 1992 and the award was passed in the year 1999.

7. In the result, the Civil Miscellaneous Appeal is dismissed. There is no order as to cost.

vsn To The Motor Accidents Claims Tribunal, (Sub Judge), Periyakulam.